REPORT

of

THE COURT OF INQUIRY

constituted under

PUNJAB ACT II OF 1954

to enquire into the

PUNJAB DISTURBANCES OF 1953

Lahore

Printed by the Superintendent, Government printing, Punjab

1954

OCR and proof read. Document still might contain some errors.

CONTENTS

Pages

Introductory … 1

PART I — FROM PARTITION TO LAHORE CONVENTION

The Controversy … 9

Ahmadis … 9

The Ahrar … 10

Arrest of two Ahrar Leaders … 13

Murder of Major Mahmud … 13

Speeches by Ahrar Leaders … 14

Stoning to death of Ahmadis in Afghanistan and the 'Ash-Shahab' … 17

More Murders … 24

Yaum-i-Tashakkur … 28

Ahmadi Mosque burnt … 30

Other speeches by Ahrar … 31

Policy and measures … 33

More speeches by Bukhari … 36

Section 144 orders enforced against public meetings in mosques : Sargodha and Gujranwala cases … 62

Chaudhri Zafrullah Khan's speech in Jehangir Park … 75

All Pakistan Muslim Parties Convention in Karachi … 77

All Muslim Parties Convention, Lahore … 78

Newspapers … 81

The Department of Islamiat … 87

PART II — FROM THE LAHORE CONVENTION TO ARREST OF ULAMA IN KARACHI AND PUNJAB

(14TH JULY 1952 TO 27TH FEBRUARY 1963)

Section 144 orders recalled … 89

The Kup incident … 92

Subsequent events … 99

Newspapers … 101

PART II — CONCLUDED

The 'Azad' … 101
The 'Afaq' … 103
The 'Ehsan' … 104
The 'Maghribi Pakistan' … 105
More speeches; Policy reconsidered … 117
Activities of the Ulama and their interviews with the Prime Minister and the Chief Minister … 125
Direct action decided upon … 136
Preparations to meet the threat of Direct action … 137
Preliminary measures … 145

PART III — THE DISTURBANCES (FROM 27TH FEBRUARY TO END OF DISTURBANCES)

Account of disturbances … 151
Lahore … 151
Mr. Daultana withdraws 6th March statement … 167
Sialkot … 168
Gujranwala … 173
Rawalpindi … 177
Lyallpur … 179
Montgomery … 181

PART IV — CIRCUMSTANCES LEADING TO PROCLAMATION OF MARTIAL LAW

Doctrinal differences between Musalmans and Ahmadis … 187
Khatm-i-Nubuwwat … 187
Christology … 189
Jihad … 191
Other complaints and accusations … 195
Ideology behind the demands … 200
Islamic State … 201
Foundations of Islamic State : Qur'an, Sunna ijma', ijtihad … 203
Essentials of Islamic State … 209

PART IV — CONCLUDED

Sovereignty and Democracy in Islamic State … 210
Other incidents of Islamic State according to Ulama … 210
Legislature and Legislation … 211
Position of non-Muslims … 212
Apostasy … 218
Propagation of other religions … 221
Jihad … 221
Reaction on Muslims on non-Muslim States … 227
Other incidents … 230
Khwaja Nazim-ud-Din's reaction to demands … 233
Circumstances leading to martial law summed up … 235

PART V — RESPONSIBILITY FOR DISTURBANCES

Responsibility … 237
The All Pakistan Muslim Parties Convention, Karachi and All Muslim Parties Convention, Lahore … 239
Members of Ta'limat-i-Ialami Board … 242
Jama'at-i-Islami … 243
The Ahrar … 254
Ahmadis … 260
Muslim League … 261
Press … 280
Central and Provincial Governments : Khwaja Nazim-ud-Din *versus* Mr. Daultana … 281

PART VI — ADEQUACY OR INADEQUACY OF MEASURES TAKEN BY THE CIVIL AUTHORITY TO MEET THE SITUATION

The Administrative machinery … 287
General Assessment of the situation by D.I.G. (C. I. D.) in May 1952 and issue of fresh policy letters … 313
The decisions of 5th July 1952 … 319
"Assurance" by the Ahrar on 19th July 1952 … 321
The decision of 24th December 1952 … 331

The Press … 337
Adult Literacy Fund … 346
The Mazdoor … 347

PART VI — CONCLUDED

The Azad … 348
Direct action … 348
The Final phase … 351
Conclusions on Part VI … 384

INTRODUCTORY

FROM

THE PUNJAB DISTURBANCES COURT OF INQUIRY,
LAHORE

TO

THE HOME; SECRETARY TO THE GOVERNMENT OF
PUNJAB, LAHORE.

Dated Lahore, the 10th April 1954

SIR,

WE, the President and Member of the Court of Inquiry constituted under the Punjab Disturbances (Public Inquiry) Act, 1953, have the honour to submit the following report:-

CONSTITUTION OF COURT

In the beginning of March 1953, widespread disturbances broke out in the Punjab which in some places continued till the middle of April 1953. These took so alarming a turn and assumed such a menacing form that in several places the military had to be called in, and in Lahore Martial Law had to be proclaimed, which remained in force till the middle of May 1953. Before the declaration of Martial Law, the police had to resort to firing in several places and at least two persons were killed on the night of 4th March and ten on 5th March, Sixty-six persons more must have been injured in the firing because that number of wounded persons admitted to the Lahore hospitals had gunshot wounds. The number of casualties admitted by the military to have been caused in quelling the disturbances in Lahore was eleven killed and forty-nine wounded. In some other towns also there were a number of casualties caused by firing by the police or the military.

The disturbances were the direct result of the rejection by Khwaja Nazim-ud-Din, the then Prime Minister of Pakistan, of an ultimatum delivered to him in Karachi on 21st January 1953 by a deputation of the *ulama* who had been authorised to do so by the Majlis-i-Amal constituted by the All-Pakistan Muslim Parties Convention held in Karachi from l6th to 18th January 1953. The ultimatum was to the effect that if within a month the Qadiani Ahmadis were not declared a non-Muslim minority and Chaudhri Zafrullah Khan, the Foreign Minister who is an Ahmadi. and other Ahmadis occupying key posts in the State, not removed from their offices, the Majlis-i-Amal would resort to direct action (*rast iqdam*). At a conference of the Central Ministers and representatives of West Pakistan Provinces held in the early hours of the morning of 27th February it was decided to reject the ultimatum and to arrest the prominent members of Majlis-i-Amal in Karachi and some leaders of the movement in the Punjab. The disturbances commenced immediately after, and as a direct result of, these arrests.

On 19th June 1953, the Governor of the Punjab promulgated Ordinance III of 1953 which, with certain amendments suggested by us, became the Punjab Disturbances (Public Inquiry) Act, 1953, Punjab Act II of 1954, directing the setting up of a Court for holding a public inquiry into the disturbances. In exercise of the powers given by subsection (1) of section 3 of the Ordinance, the Governor appointed us members of the Court of Inquiry with the direction to make an inquiry into the disturbances in accordance with the following terms of reference:-

(1) the circumstances leading to the declaration of Martial Law in Lahore on 6th March 1953;
(2) the responsibility for the disturbances; and
(3) the adequacy or otherwise of the measures taken by the Provincial civil authorities to prevent, and subsequently to deal with, the disturbances.

We commenced the inquiry on 1st July 1953 and held 117 sittings of which 92 were devoted to the hearing and recording of evidence. The evidence was concluded on 23rd January 1954 and arguments in the case lasted from 1st to 28th February 1954. Five weeks were taken by us to formulate our conclusions and in writing the report.

The record consists of 3,600 pages of written statements and 2,700 pages of evidence. Three hundred and thirty-nine documents have been formally exhibited, while a large number of books, pamphlets, journals and newspapers was referred to in the course of the evidence and arguments. Besides, a large number of letters, each extending to several pages and a few to even more than a hundred pages, were received, each of which has been carefully perused by us.

PROCEDURE AND PARTIES

As the inquiry was to be of a general character and not against any named party, and as the Government of the Punjab had no views in the matter, we adopted a procedure of our own to ensure that all relevant material was placed before us to enable us to discharge our functions under the Act. Subsection (5) of section 5 of the Act had declared that we were not bound by the Provisions of the Code of Criminal Procedure, and in exercise of the powers given to us by the same subsection we framed a rule that we were not to be bound by the Evidence Act. The object of framing this rule was to complete the inquiry within the shortest possible time, consistently with the duty of collecting as reliable and authentic a material for our findings and observations as was possible in the circumstances. Despite this rule, however, we have substantially adhered to the principles of the Law of Evidence and have refrained from recording any serious finding against any party on what under the Law of Evidence is not relevant and admissible. In view of the bulk of the material and the scope and extent of our inquiry, we could not, on occasions, help departing from the rule against hearsay but we have accepted hearsay only where we felt there could be no doubt as to its truth. The parties and some important officers were required to put in written statements but we allowed inspection, of such statements and gave to the party affected the right to recall for cross-examination the makers of such statements. We feel that by adopting this procedure we have eliminated the element of error as far as possible.

In the course of discussion we have referred to numerous extracts from speeches alleged to have been, made by certain persons on specific occasions. These speeches, unless they were published in newspapers or occur in some publication of the party concerned or have been deposed to in the evidence before us, cannot be said to have been formally proved. But the fact that a speech, whether it has or has not been proved, was reported is relevant to determine the adequacy or otherwise of the action taken thereon. .References in the report to speeches should, therefore, be read subject to this observation.

We have quoted in English certain verses of the Holy Qur'an, which were relied upon. by the parties. The translations so quoted have all been taken from Allama Abdulla Yusuf Ali's Translation of the Holy Qar'an.

We took judicial notice of the fact that certain persons and organisations were in a position to assist us in returning a reply to the terms of reference. We, therefore, made them parties to the proceedings and directed them to put in written statements expressing their respective views on each of the terms of reference. The organisations that wore thus made parties were:-

(1) The Punjab Government,
(2) The Provincial Muslim League,
(3) The Majlis-i-Ahrar,
(4) The Majlis-i-Amal appointed by the Majlis-i-Tahaffuz-i-Khatm-i-Nubuwwat, Punjab,
(5) The Jama't-i-Islami,
(6) The Sadr Anjuman Ahmadiya, Rabwah.,
(7) The Ahmadiya Anjuman-i-Isha'at-i-Islam, Lahore.

During the period over which the inquiry extends, Sardar Abdur Rab Nishtar was the Governor of the Province till 26th November 1951 when he was succeeded by Mr. I. I. Chundrigar who held that office till after the proclamation of Martial Law. Except for a few months when Mr. Fida Hasan occupied that post, Hafiz Abdul Majid was the Chief Secretary to the Government of the Punjab. He was also the Home Secretary from 30th September to 7th December 1951. Sayyad Ahmad Ali and Mr. Ghias-ud-Din Ahmad were Home Secretaries, the former from 17th March 1949 to 30th September 1951 and the latter since 7th December 1951. Mr. Qurban Ali Khan was the Inspector-General of Police till 11th February 1953, on which date he was relieved by Mr. Anwar Ali who, in addition to the duties of Inspector-General of Police also continued to perform the duties of his original office of Deputy Inspector-General of Police, C. I. D. Hafiz Abdul Majid, Mr. Ghias-ud-Din Ahmad, Mr. Anwar Ali, Mr. S. N. Alam, Sayyad Ijaz Husain Shah and Mirza Naeem-ud-Din—the last three during the relevant period were respectively the Deputy Inspector-General, Lahore Range, District Magistrate, Lahore and Senior Superintendent of Police, Lahore—who in the ordinary course of their official duties were supposed to have firsthand knowledge of the origin and development of the disturbances, were also required to submit their written statements on the terms of reference. The police officers mentioned above were further required to state the quantity of the ammunition actually issued and used during the disturbances and the number of casualties caused by police firing. Sayyad Ijaz Husain Shah was directed to give a complete statement respecting the Magistrates who were daily detailed for duty during the disturbed period, the instructions issued to them and the reports, if any, made by them. He was further required to submit copies of all orders promulgated under section 144 of the Code of Criminal Procedure, together -with instances of breaches of those orders and the action taken thereon. We also directed him to state whether any requisition for the military under section 129 of the Code of Criminal Procedure was made and with what. result, and if no such requisition was made to give reasons for the omission.

After perusing the statements of these officers, we considered it necessary to require Mian Mumtaz Muhammad Khan Daultana, who was the Chief Minister of the Punjab during the disturbances, to submit a written statement on behalf of his Ministry and to communicate to the Court whether he would like to be made a party to the proceedings. In response to this notice, Mr. Daultana presented a petition praying that he be impleaded as a party. We considered this request quite natural and therefore made him a party and required him to submit a written statement.

As the disturbances had affected the districts of Rawalpindi, Sialkot, Lyallpur, Gujranwala and Montgomery, we directed the District Magistrates and the Superintendents of Police of these districts to submit detailed accounts of the disturbances in their respective districts, the origin and development of the disturbances, the measures taken to suppress them and the offences committed or reported during, and having reference to, the disturbances. together with copies of all first information reports of such offences. These officers were further asked to submit copies of extracts from daily situation reports, special reports and weekly reports, sent by them to Government or any superior authority from 1st January 1953 to 15th May 1953, with reference to the anti-Ahmadiya, agitation and the consequent disturbances. They were requested specifically to mention all instances of incitement to violence on the part of individuals or organisations and to disclose all references concerning the situation made by them to Government and all instructions received by them from Government.

Major-General Muhammad Azam Khan, General Officer Commanding the 10th Division, who constituted himself Chief Martial Law Administrator, was requested to give a complete description of the situation at the time of the proclamation of Martial Law and the reasons which led him to proclaim Martial Law.

The public were notified by advertisements in the newspapers that any person who wished to give evidence before the Court of Inquiry in relation to any of the terms of reference should communicate with the Secretary of the Court, submitting a brief statement of the evidence he proposed to give. This statement was to be kept confidential unless the person submitting it. chose to appear in Court and give *viva voce* evidence in a public sitting.

As most of the leaders of the movement which led to the disturbances were confined in jails, having either been convicted or ordered to he detained under the Public Safety and Security Acts, we requested the Punjab Government to use its good offices to have such of the prisoners as were confined in jails outside the Punjab, brought to Lahore in order to enable them to instruct their representatives in the preparation of the written statements. The Punjab government acted accordingly and we are glad that the other Governments honoured the Punjab Government's request and sent such prisoners and detenus to Lahore.

With the exception of the Punjab Government and the Punjab Muslim League, each party has put in an exhaustive statement, and we take this opportunity of expressing our gratitude for the wealth of detail, incident and argument which the parties have embodied in their written statements. Maulana Abul Ala Maudoodi, the head of Jama'at-i-Islami, who is under-going a life sentence awarded to him, by a Military Court, has also submitted a written statement in his capacity of ex-Amir of the Jama'at and the written statement of the Jama'at closely follows his statement. Maulana Abdus Sattar Khan Niazi, who also is a prisoner under a similar sentence, applied to be made a party to the proceedings, but on the principle we had adopted in impleading parties, we could not accede to his request and permitted him, if he so chose, to submit a written statement. Accordingly he submitted a statement which covers several hundred pages which we have carefully read.

The written statement of the Punjab Government covers a few lines and merely informs the Court that the Government, has no views on the subject but undertakes to assist the Court by placing before it such material as the Court may require. This undertaking has been discharged in letter and spirit, and but for the promptness with which the Court's requests for documents and information or other action were attended to, the inquiry would have been indefinitely prolonged. At the conclusion of the evidence, Mr. Fazal Ilahi, counsel for the Punjab Government, reiterated the Government's stand that it had no views in the matter, but on the basis of the material on record he placed his personal views before the Court in a three-day argument. Though there were not only allegations which we have found to be substantially correct, that there was a complete absence of ideological resistance by the Muslim League to the subversive movement of direct action, but that the officers of the League in several districts took prominent part in the agitation, the written statement submitted on behalf of the Provincial Muslim League is a complete disappointment inasmuch as it contents itself with sending copies of some resolutions passed by the Working Committee or by the Council of the Punjab Muslim League indicating its views on the anti-Ahmadiya agitation.

Subsection (2) of section 5 of the Act gave the Court the power to direct a police officer, not below the rank of a Superintendent of Police, to conduct such investigation as it considered to be necessary for the purpose of the inquiry. We made frequent use of this provision and appointed Mr. Muhammad Husain, Superintendent of Police, C. I. D., to hold investigation into several matters, direct trial of which by the Court would have involved considerable expense and delay. Mr. Muhammad Husain discharged this duty with his usual promptitude and thoroughness.

Khwaja Nazim-ud-Din, who was the Prime Minister, Mr. Chundrigar, who was the Governor of the Punjab, and Sirdar Abdur Rab Nishtar, who was a Minister in the Central Cabinet, during the disturbances, and Chaudhri Zafrullah Khan, the Foreign Minister, Sirdar Bahadur Khan, the Communications Minister, Dr. Ishtiaq Husain

Qureshi, Minister for Information and Broadcasting, and Mr. Mushtaq Ahmad Gurmani, Minister for the Interior, were also examined by the Court at the request of one party or another. Of course, Mr. Daultana offered himself as his own witness. The evidence of all these witnesses was recorded in camera but portions of it were released to the press for publication.

SUBJECTS TOUCHED

On the doctrinal aspect of the inquiry and other connected religious topics, we examined the leading *ulama* on the one side and Mirza Bashir-ud-Din Mahmud Ahmad, the present head of the Qadiani section of Ahmadis, on the other. In this part of the inquiry almost every important branch of human knowledge was touched—religion, philosophy, science, ethics, attributes of God, anthropomorphism, reason and revelation, exegetics, cosmology, creation, time and space, origin and destination of man, aim and object of life, functions of the State and the church, sovereignty, democracy and theocracy, subjects, as the sequel will show, by no means irrelevant to the inquiry. The issues under. lying the inquiry, which frequently emerged in all their directness and with all their implications, are so deep and fundamental that a reply to them one way or the other can make or mar the new State of Pakistan and entirely change the future course of her history.

Our thanks are due not only to the Honourable Ministers, past or present, some of whom undertook long journeys to place their views before us but also to officers and the *ulama* who assisted us throughout this lengthy investigation, Maulana Murtaza Ahmad Khan Maikash, on behalf of the Majlis-i-Amal, Maulana Mazhar Ali Azhar on behalf of the Ahrar and Mr. Said Malik on behalf of Jama'at-i-Islami must indeed have worked hard to do the job assigned to them by their principals. It was quite an experience for us to be associated with these learned scholars, an experience novel and exceedingly pleasant, which will live long in our memory. Equally grateful do we feel to the professional gentlemen, Mr. Yaqub Ali Khan, Mr. Nazir Ahmad Khan, Mr. Bashir Ahmad, Mr. Asadullah Khan, Mr. Abdur Rahman Khadim and Mr. Fazal Ilahi who in presenting the cases of their respective clients were a source of great help to us.

With these remarks we approach our statutory task.

DIVISION INTO PARTS

After hearing arguments, we agreed between ourselves as to the answers that we should make to each term of reference, and then divided the work so that one of us should deal with general responsibility and the other with administrative action in particular. In the first three Parts, we have given a factual statement of relevant events, thus;

PART I—From the Partition to the All Muslim Parties Convention, held in Lahore on 13th July 1952.

PART 11—From the Convention to 21st January 1953. when the ultimatum was delivered to the Prime Minister.
PART III—From the date of the ultimatum to the end of the disturbances.

Replies to the terms of reference will be found in the last three parts, thus:

PART IV—Circumstances leading to Martial Law.
PART V—Responsibility for the disturbances.
PART VI—Adequacy or otherwise of administrative action by the civil authorities.

For the purposes of Part VI, the period under observation has been divided into four sub-parts, according to the peculiar problem that each sub-division presents.

PART I

FROM PARTITION TO LAHORE CONVENTION

THE CONTROVERSY

The genesis of the controversy that led to the disturbances is to be found in what has been described in official documents as 'the Ahrar-Ahmadiya controversy', which had existed since long before the Partition. But this description was objected to, in fact resented, before us by all non-Ahmadi parties, on the ground that differences with the Ahmadis are not confined to the Ahrar and are common to all sects of Musalmans. Similarly the use of the word ' Ahmadi ' exclusively in respect of the followers of Mirza Ghulam Ahmad was resented by non-Ahmadis for the reason that all Musalmans are Ahmadis, being the followers of the Holy Prophet Muhammad, whose other name was Ahmad, and that it has been wrongly usurped by the followers of Mirza Ghulam Ahmad. We have decided to use the word ' Musalman ' to distinguish the general body of Muslims who do not believe in Mirza Ghulam Ahmad from those who believe in him and the word 'Ahmadi', 'Qadiani' or 'Mirzai' for the Qadiani section of Ahmadis who believe that Mirza Ghulam Ahmad was a prophet (*nabi*).

AHMADIS

In Part V we will deal in greater detail with the doctrinal and social differences between the Qadianis and Musalmans. Here we content ourselves with only giving a brief account of the Ahmadiya movement, which was founded by Mirza Ghulam Ahmad, a grandson of Mirza Ghulam Murtaza who was a General in the Sikh Darbar. Mirza Ghulam Ahmad was born on 13th February 1835, at Qadian, a village in the district of Gurdaspur, which exclusively belonged to his family in proprietary rights. He learned Persian and Arabic languages at home but does not appear to have received any Western education. In 1864 he got some employment in the District Courts, Sialkot, where he served for four years. On his father's death he devoted himself whole-heartedly to the study of religious literature, and between 1880 and 1884 wrote his famous 'Buraheen-i-Ahmadiya' in four volumes. Later he wrote some more books. Acute religious controversies were going on in those days and there were repeated attacks on Islam, not only by Christian missionaries but also by preachers of Arya Samaj, a liberal Hindu movement which was becoming very popular.

In March 1882 Mirza Ghulam Ahmad claimed, to have had a revelation (*ilham*) to the effect that he had been entrusted by God with a special mission, in other words, that he was a '*mamoor-min-Allah*'. In 1888, again under an *ilham*, he demanded homage (*bai'at*) from his adherents. Near the end of 1890, Mirza Sahib again received an *ilham* that Jesus of Nazareth (Isa Ibn-i-Maryam) had not died on the Cross, nor lifted up to the Heavens but that he was taken off the Cross in a wounded condition by his disciples and cured of his wounds, that thereafter he escaped to Kashmir where he died a natural death, that the belief that he will reappear in his original bodily form near the Day of Resurrection was wrong, that the promise relating to his appearance merely meant that another man with the attributes of Isa Ibn-i-Maryam would appear in the *ummat* of the Holy Prophet of Islam and that this promise had been fulfilled in the person of Mirza

Sahib himself who was *Maseel-i-Isa*, and thus the promised Messiah. The publicity given, to this doctrine created a stir among the Musalmans because this was contrary to the generally accepted belief that Isa Ibn-i-Maryam was to descend from Heaven in his bodily form, and gave rise to strong opposition among the Muslim theologians. Subsequently. Mirza Sahib also claimed to be the promised Mahdi, not the Mahdi who was to engage himself in conquest and bloodshed but the reasoning Mahdi who would vanquish his opponents by argument. This new claim gave further impetus to the opposition to Mirza Sahib and theologians began to pronounce *fatwas* of *kufr* against him. In 1900 he expounded another doctrine that thereafter there was to be no *jihad bis-saif* and that *jihad* was to be confined to efforts to convince the opponent by argument. In 1901 Mirza Sahib claimed to be a '*zilli nabi*' and by an advertisement '*Ek ghalati ka izala*', explained the doctrine of *khatm-i-nubuwwat* to mean that after the death of the Holy Prophet of Islam no nabi would appear with a new *shari'at* but that the appearance of a new prophet without a *shara'a* was not contrary to the doctrine of *khatm-i-nubuwwat*. In a public lecture in Sialkot in November 1904, Mirza Sahib also claimed to be a *Maseel-i-Krishan*.

The Jama'at-i-Ahmadiya was founded in 1901 and at Mirza Sahib's own request was shown as a separate Muslim sect in the census records of that year. The present number of the *jama'at* is stated to be in the neighbourhood of 2,00,000 in Pakistan, Ahmadis are also to be found in other Muslim countries and in India, Europe and America.

The new movement had attracted substantial support in Mirza Sahib's own lifetime, including several men of consequence and influence. On Mirza Sahib's death in 1908 Maulvi Nur-ud-Din became the first *khalifa* of Jama'at-i-Ahmadiya. On Khalifa Nur-ud-Din's death in 1914, Mirza Ghulam Ahmad's son Mirza Bashir-ud-Din Mahmud Ahmad, the present head of the Ahmadiya community, became the second *khalifa*. His succession as a *khalifa* caused a split in the *jama'at* and a section of the *jama'at* led by Khwaja Kamal-ud-Din and Maulvi Muhammad Ali, seceded and formed a separate party, called the Lahore party, the difference between the two being that whereas the Qadiani party believes Mirza Ghulam Ahmad to have been a prophet, the Lahore party deny this status for Mirza Sahib and hold that he was no more than a *mujaddid* or *muhaddas*. The seceders set up in Lahore an organisation called 'Ahmadiya Anjuman-i-Isha'at-i-IsIam'. Both parties are engaged in extensive missionary work in foreign countries.

THE AHRAR

The Ahrar were a party of nationalist, Muslims who seceded from the Congress and in a meeting held in Lahore on 4th May 1931 founded the Majlis-i-Ahrar-i-Islam. They first came into prominence during the Kashmir agitation of 1931 when on 30th October in that year Mazhar Ali Azhar led a determined band of one hundred volunteers from Sialkot to march into the Jammu territory. The Kashmir agitation in the Punjab was a spontaneous expression of sympathy with the Kashmiri Muslims who were being subjected to ruthless oppression by the Dogra Darbar. The grievances of Kashmiri

Musalmans comprised the appropriation by the State of a number of mosques, graveyards and other places sacred to Muslims, the exclusion of Muslims from public offices, the restrictions imposed on the observance of their religious ceremonies and the absence of a properly constituted legislature in which Muslims could be represented in accordance with their numerical proportion in the State. A campaign in the press against these grievances resulted in a communal riot in Srinagar on 13th July 1931. Attempts to take charge of the agitation, resulting from this riot were made both by the Majlis-i-Ahrar and by a body styled “The All India Kashmir Committee”, which came into being on July 26, and included in its personnel Doctor Sir Muhammad Iqbal, Nawab Sir Zulfiqar Ali Khan, Khwaja Hasan Nizami, Nawab Ibrahim Ali Khan, Mirza Bashir-ud-Din Mahmud Ahmad, the present head of the Ahmadiya community, and Abdur Rahim Dard, an Ahmadi, as Secretary. The subsequent conflict between the Ahrar and the Ahmadis was largely due to the mutual hostility arising from their having been in opposite camps during the period of the Kashmir agitation. The Ahrar arranged to celebrate the 14th of August as the ‘Kashmir Day’, and on the following day officially announced that they had taken up the agitation on behalf of their co-religionists in Kashmir. As already stated, on October 30, Mazhar Ali Azhar with one hundred followers entered the Jammu territory. This dramatic act at once brought the Ahrar into prominence.

Though they had cut themselves off from the Congress, the Ahrar continued to flirt with that body right up to the Partition. One of the resolutions passed by the Working Committee of the Majlis-i-Ahrar which met at Delhi on 3rd March, 1940, disapproved of the Pakistan plan, and in some subsequent speeches of the Ahrar leaders Pakistan was dubbed as 'Palidistan'. In a press statement issued on 29th November 1940 Maulana Daud Ghaznavi announced the decision of the Ahrar to merge themselves into the Congress. In the resolution passed by the Punjab Provincial Ahrar Conference held at Gujranwala from 17th to 19th March 1943, and in a subsequent resolution passed at Saharanpur in the same year they declared themselves against the proposed Partition which they described as vivisection of the country. In every important speech one leader of theirs or another criticised the Muslim League and its leadership, including the Quaid-i-Azam for whom they had little love and who in those days had come to be regarded as the sole and undisputed leader of the Muslim nation. They took mean advantage of his liberal views and lack of ostentation in religious matters by calling him an infidel. The author-ship of the couplet—

> ‘*Ik kafira ke waste* Islam *ko chhora*
> *yeh Quad-i-Azam, hai keh hai kafir-i-azam*’

is attributed to Maulana Mazhar Ali Azhar, a leading personality in the Ahrar organisation, who had the audacity to assert before us that he still held that view. References were made in the speeches of the Ahrar not only to Quaid-i-Azam’s marriage with a Parsi lady but also to his not having gone on pilgrimage to Mecca. In 1945, they attempted to revive the Sunni-Shia controversy and Mazhar Ali Azhar and his son Mustafa Qaisar left Lahore for Lucknow on 16th November to re-open the Madah-i-Sahaba agitation. In the elections of 1946, three Ahrar candidates stood against the

Muslim League candidates but they were all defeated. From the subsequent direct action which the Muslim League started in the Punjab they kept themselves completely aloof.

One of the main activities of the Ahrar was their opposition, in one form or another, of the Ahmadis. It may indeed be said that the Ahrar took their birth in the hatred of the Ahmadis. Only two years after they founded the Majlis-i-Ahrar, they passed a resolution that no Qadiani should be elected to any public body. Qadian, as already stated, was, before the Partition, almost exclusively an Ahmadi town. In 1934, the Ahrar decided to hold a conference in Qadian itself but on the meeting having been banned, they held the conference on 2lst October of that year in the playground of the Dayanand Anglo-Vedic High School in Rajada, a village only a mile away from Qadian, where they attracted an audience of many thousands. In that conference the popular Ahrar speaker Sayyad Ata Ullah Shah Bukhari delivered a 5-hour diatribe against the Ahmadis in the course of which he said “things which could have no other effect but to rouse hatred of the Ahmadis in the minds of the hearers”, the professions of peace in his speech alternating with abuse and wit of a very low order. Bukhari was prosecuted for this speech and convicted at the conclusion of a sensational trial which created more interest and anti-Ahmadiya feelings than the speech itself. Since then every Ahrar speaker of note has been saying one thing or another against the Ahmadis, their leaders and their beliefs.

The Partition of 1947 and the establishment of Pakistan came as a great disappointment to the Ahrar because all power passed to the Congress or the Muslim League, and no scope for activity was left for the Ahrar in India or in Pakistan. The new Muslim State had come to them as a shock, disillusioned them of their ideology and finished them as a political party. For some-time they found themselves in a state of frustration, completely bewildered as to their future. Two of their leaders, Maulvi Abdul Ghani Dar and Maulana Habib-ur-Rahman, decided to stay on in India ; Sheikh Husam-ud-Din, another equally important leader, wavered for some time and eventually decided to come over to Pakistan to take charge of a hotel, known as the Vira Hotel, in Lahore, which a Congressman Parbodh Chander by name had handed over to him. Master Taj-ud-Din Ansari of Ludhiana and Maulvi Muhammad Ali of Jullundur also came over to Pakistan, and while the former settled at Sialkot, the latter went to Multan. Even Sayyed Ata Ullah Shah Bukhari who belongs to Gujrat, shifted to a village in the Muzaffargarh district. Maulana Mazhar Ali Azhar renounced politics. Sahibzada Faiz-ul-Hasan took to a secluded life in his village Alo Mohar in the Sialkot district.

In November 1947, the Ahrar held a meeting of the Working Committee at Khangarh, where Sayyad Ata Ullah Shah Bukhari had settled, to consider what their future programme should be, but could come to no decision. The same was the result of a subsequent meeting held in December 1947, in Lahore where three possible courses, namely, of dissolving the party of giving up politics and confining themselves to religious activities, and of keeping the party alive, were discussed but the only decision taken was that an All-Pakistan Majlis-i-Ahrar should be founded. In the first conference after this, held in May 1948 at Lyallpur, faint references were made to Ahmadis and loyalty to Pakistan was affirmed. More distinct sentiments in favour of Pakistan were expressed in the next meeting in Lahore in June 1948, accompanied by a hint that the Ahrar were not joining the Muslim League because of the un-Islamic beliefs of men like Chaudhri Zafrullah Khan and Mian Iftikhar-ud-Din. Their moat important gathering since the Partition was on the occasion of the Ahrar Defence Conference which was held from 12th to 14th January 1949 at Lahore and at which they announced their decision to cease functioning as a political party and to continue their future activity as a religious group. In political matters, they announced, they would follow the Muslim League. After this they began holding their conferences under the label of Tabligh Conferences, and a series of such conferences was held at Okara, Lyallpur, Maghiana, Chiniot, Sialkot, Gujranwala, Gujrat, Pind Dadan Khan, Jhelum, Shujabad, Burewala and Multan. The demand for the declaration of Ahmadis as a non-Muslim minority was first made at a conference in Rawalpindi and reiterated at a public meeting held at Pind Dadan Khan on 1st May 1949. After this, criticism of the founder of the Ahmadiya community and Chaudhri Zafrullah Khan became a regular feature of all Ahrar addresses and they began to feel that it was not necessary for them to seek the help of the Muslim League and that they could in future function as a separate party. The Muslim League also adopted a friendly attitude towards them because the Working Committee of the Pakistan Muslim League in its meeting held in Karachi on 27th December 1949 excluded, the Ahrar from the list of nineteen parties which were tabooed for Muslim Leaguers.

ARREST OF TWO AHRAR LEADERS

The Ahrar should have had little difficulty in realising that with the creation of Pakistan their past ideology had become obsolete and that there was no scope for their past activities in the new State, but the Ahrar are not made of that stuff, and seasoned agitators as they are, having had experience of championing and conducting many an agitation to enhance their popularity, they began to think of an outlet for their activities in their new surroundings. From exploiting an existing agitation there is only one step down to creating an agitation, and as will be presently shown, they adopted that tactics to justify their existence and to keep themselves alive as a party.

Before a year had passed after the establishment of Pakistan, Makhdum Shah Banauri, Secretary, Majlis-i-Ahrar-i-Pakistan, was arrested on, 15th July 1948, under section 3 of the Punjab Public Safety Act. The precise reasons for his arrest have not been brought out in the evidence, though it is stated that the ground for his arrest was the suspicion of his being engaged in some prejudicial activity. His arrest was followed by that of Sheikh Husam-ud-Din, another Ahrar leader, on 28th September 1948, under the same provision. They were both released after they had made long statements.

MURDER OF MAJOR MAHMUD

Mirza Bashir-ud-Din Mahmud Ahmad was sojourning in Quetta, in the hot weather of 1948. While he was there, a young military officer, Major Mahmud, who was an Ahmadi, was murdered in a singularly brutal manner. The Muslim Railway Employees Association had organised a public meeting which was held on the evening of 11th August 1948. Some *maulvis* addressed the gathering and, the subject selected by each one of them for his speech was *khatm-i-nubuwwat*. In the course of these speeches, references were made to the Qadianis' *kufr* and the consequences thereof. While the meeting was still in progress, Major Mahmud, on his return from a visit to a patient, passed by the place where the meeting was being held. His car accidentally stopped near the place of the meeting and an effort to re-start it failed. Just then a mob came towards the car and pulled Major Mahmud out of it. He attempted to flee but was chased and literally stoned and stabbed to death, his entire gut having come out. The report of his post-mortem examination shows that he had as many as twenty-six injuries caused by blunt and sharp-edged weapons and that the death was due to shock and internal haemorrhage resulting from incised, wounds involving the left lung, left kidney and the right lobe of the liver. Nobody was willing to take credit for this act of Islamic heroism and out of a large number of persons who were eyewitnesses, none was able or willing to identify the *ghazis* who were authors of this brave deed. The culprits, therefore, remained unidentified and the case was filed untraced. The police record shows that the infuriated mob was frantically looking for men with short beards—Ahmadis it may be mentioned wear short beards—to kill them,

On coming to know of this gruesome murder the Intelligence Bureau of the Government of Pakistan by its letter No. 10/B/48-(6)-P., dated the 26th October 1948, to Mr. Zulqarnain Khan, Superintendent of Police (A), C. I. D., Punjab, Lahore, drew the attention of the Provincial authorities to the secret activities of Majlis-i-Ahrar which the Bureau considered to be prejudicial to the interests of Pakistan and, after stating that the pledges of loyalty to the State which had been given by top-ranking leaders of Majlis-i-Ahrar in their speeches and writings were mere eye wash, asked for the Provincial Government's considered opinion, for the information of the Central Government, whether the activities of the Ahrar necessitated some strong action against them at that moment. In reply Malik Habib Ullah by his letter No. 22451-BDSB, dated the 20th November 1948, explained in great detail the attitude of the Punjab C. I. D. towards the Ahrar. The reply reproduced the substance of the speech made by Abdur Rahman Mianvi at Chawinda in the district of Sialkot on 7th May 1948, in which he had accused the late Quaid-i-Azam for the Muslim genocide in East Punjab, and to the speech of Sahibzada Faiz-ul-Hasan at village Bhullar in the district of Sheikhupura, in which he had made some vulgar references to Begum Liaquat Ali Khan and other educated women who did not observe *pardah*; stated that the Ahrar had become more sober by the arrests of Makhdum Shah Banauri and Sheikh Husam-ud-Din, that Sayyad Ata Ullah Shah Bukhari and Master Taj-ud-Din were willing to extend their co-operation to the Government by reiterating their loyalty to Pakistan, that a very keen watch was being kept on the Ahrar and that when-ever their activities showed any signs of becoming prejudicial to the interests of the State, prompt action would be taken to disband them; and expressed the Punjab Government’s view that at that stage it was not advisable to take the drastic action of banning the Ahrar organisation.

SPEECHES BY AHRAR LEADERS

The record of the speech, of Sahibzada Faiz-ul-Hasan referred to in Malik Habib Ullah’s letter shows that in his speech delivered on 27th August 1848, on the occasion of the Urs of Sayyed Imam Ali in village Bhullar, he described Begum Liaquat Alt Khan and other women who did not observe *pardah* as prostitutes and alleged that the abduction of one hundred thousand Muslim women by Hindus and Sikhs in East Punjab, was due to the Quaid-i-Azam's desire to become the Governor-General of Pakistan.

On 8th August 1950, Assistant Director, Intelligence Bureau, Government of Pakistan, by his letter No. 9/B/50-(25) sent to the Superintendent of Police (B), C.1.D., Punjab, a copy of a congregational address by Mirza Bashir-ud-Din Mahmud Ahmad in which he bad warned his followers of the grave danger with which they were confronted. In that address the leader of the Ahmadiya community had alleged that the situation was not being properly reported to the Government, that open propaganda for the extermination of the community was going on unchecked, that the Government was doing nothing to stop such propaganda, that their lives and properties were in grave peril and that they must be ready to defend themselves if it became necessary to do so. In reply to this letter Malik Habib Ullah, by his secret letter No. 9931-BDSB, dated the 3lst August 1950, informed the Bureau that the reference in Mirza Bashir-ud-Din Mahmud Ahmad's address was presumably to the speeches of the Ahrar who since the merger of the Majlis-i-Ahrar with the Muslim League had been carrying on a sustained campaign of vilification against the Ahmadis, that on several occasions these activities of the Ahrar had been reported for action to the Government, that the Adviser for Law and Order had declined to take any immediate action lest the Ahrar should earn cheap martyrdom, that a warning had been given to the Ahrar leader Master Taj-ud-Din Ansari, that the warning had produced no effect on the activities of that leader and that the results of a fresh warning by the Governor were being awaited.

The demand for declaring the Ahmadis as a non-Muslim minority was first publicly made at an Ahrar meeting held at Pind Dadan Khan on 1st May 1949. Thereafter Ahmadis were the sole subject of speeches made at public meetings organised by the Ahrar, and not only the leaders of the Ahmadiya community but Chaudhri Zafrullah Khan, the Foreign Minister, became the chief object of their abuse. In the Tabligh Conference held by the Ahrar on 26th and 27th November 1949 at Sialkot, speeches were made to an audience of 11,000 persons by Master Taj-ud-Din, Maulvi Muhammad Hayat, Maulvi Muhammad Alt Jullundri, Sheikh Husam-ud-Din, Qazi Ehsan Ahmad Shujabadi and Sayyad Ata Ullah Shah Bukhari, each of them abusing the Ahmadis, their founder and leaders and Chaudhri Zafrullah Khan. A specimen of the kind of speeches that were made in that meeting will be found in the record of the speech of Maulvi Muhammad Hayat who said :—

> "We don't blame Mirza Ghulam Ahmad, false as he was, because he committed fornication only occasionally. Our objection is to the present *khalifa* who commits fornication every day."

The prosecuting police officer who examined this speech for action thought that such observations were merely a stock-in-trade of political demagogues which caused no offence to anybody.

In the subsequent public meeting arranged by the Ahrar in the name of Ahl-i-Sunnat-wal-Jama'at at Naushehra Virkan on 7th December 1949, Maulvi Ghulam Ullah Khan described Mirza Ghulam Ahmad as a Dajjal who had been created by the British to disrupt Islamic solidarity and alleged that the Qadianis, particularly Chaudhri Zafrullah Khan, were causing great damage to Pakistan and the Muslim community and that they were arranging to barter away Kashmir for Qadian. This speech was reported to be actionable under section 153-A of the Penal Code and section 21 of the Punjab Public Safety Act, and Mr. Anwar Ali, D.I.G., C.I.D., while forwarding the case to the Home Secretary, inquired from him whether it was Government's intention that action should be taken against those who were abusing Chaudhri Zafrullah Khan and engendering hatred against a particular section of the people. In his comments Mr. Anwar Ali also alluded to an arrangement which the Ahrar leaders said had been made by them with the Prime Minister to knock Chaudhri Zafrullah Khan, who had become a political menace, out of the Cabinet. The case came up to the Adviser for Law, who referring to his opinion in another case, ordered that no action was to be taken against the Ahrar leaders for the present and that Government would wait and see.

The next important Tabligh Conference was held by the Majlis-i-Ahrar at Lyallpur on 17th and l8th December 1949, in which, before an audience of about 5,000, Maulvi Ghulam Ghaus Sarhaddi, Qazi Ehsan Ahmad Shujabadi, Maulvi Muhammad Ali Jullundri, Sheikh Husam-ud-Din and Master Taj-ud-Din Ansari made speeches which, according to Mr. Anwar Ali's note dated 30th December 1949, were actionable under section 153-A of the Penal Code and Section 21 of the Punjab Public Safety Act. The Adviser for Law made the following comment on this case on 2nd January 1950 :—

> "They have made the Ahmadis the target of their attack in order to gain a hearing from the public. They are trying to exploit the religious feelings of an average Musalman against the Ahmadis ; but I do not think it would be advisable to take any action against the Ahrar for the present as the Muslims are very touchy on the point of Ahmadism and to prosecute the Ahrar for their vituperations against the Ahmadis, would, give them an air of martyrdom in the eyes of public which they do not deserve. I would not, therefore, advise any action against the Ahrar leaders for the present".

When the case came before Sirdar Abdur Rab Nishtar, the Governor, on 5th January 1950, he noted that he had already warned the Ahrar leader Maulvi Ghulam Ghaus Sarhaddi who had come to see him a few days before that while Government did not prevent anyone from propagating his religious views, it would not tolerate speeches which might lead to a disturbance of the peace.

The Tabligh Conferences that were being held by the Ahrar and in which the Ahmadis were being abused provided an excuse to the latter to hold their own meetings. One such meeting was held at Sialkot on 15th January 1950 in reply to a Tabligh Conference which had been held by the Ahrar on 26th November 1949. The Ahrar, however, attempted to break up that meeting by throwing brickbats and the police had to resort to a mild *lathi-charge*. The Superintendent of Police, the District Magistrate and the Additional District Magistrate arrived on the scene and after the police drove away the rioters, the meeting was resumed but immediately a large crowd collected at a little distance, installed a loudspeaker and demanded the release of four rioters who had been arrested and the surrender of an Ahmadi who had stabbed a non-Ahmadi.

The Tabligh Conference at Multan was held on 28tb and 29th January 1950, which was addressed by several speakers including Sayyad Ata Ullah Shah Bukhari, Qazi Ehsan Ahmad Shujabadi, Ghulam Nabi Janbaz and Maulvi Muhammad All Jullundri. The meeting attracted a large crowd and in the speeches made on that occasion, Mirza Ghulam Ahmad was compared to Master Tara Singh, and disparaging references were made to Chaudhri Zafrullah Khan who was described as a traitor to the Muslim community. There were also obscene references to the founder of the Ahmadiya community and its present leader. General Nazir Ahmad also came under comment. Sayyad Ata Ullah Shah Bukhari alleged that the Deputy Commissioner of Multan had dispossessed Muslims of mosques which he had given over to the Mirzais. When the report of this incident came up before the Adviser for Law on 11th February 1950, he repeated his previous argument that any action taken against the Ahrar for their vilification of the Foreign Minister and the Ahmadis, would make them martyrs and earn for them considerable public sympathy and that they did not deserve such “honourable place” in the public estimation. When Sirdar Abdur Rab Nishtar saw the case on 13th February 1950, he noted that he would like the President of Majlis-i-Ahrar to be sent for and warned against the consequences of the campaign of vilification that was being carried on against the civil and military dignitaries of the State. He remarked that nobody could be permitted to undermine the State in the name of religion and added that he had spoken about this aspect of the matter to Qazi Ehsan Ahmad Shujabadi and Maulvi Ghulam Ghaus Sarhaddi but that it appeared that the hint given to them had not proved effective. He directed that the Ahrar should now be spoken to a little more frankly, and observed that if the Adviser for Law felt some difficulty in talking to them, he would do so himself. Accordingly Master Taj-ud-Din, the President of Majlis-i-Ahrar, was sent for by the Adviser for Law on 20th February 1950 and warned against the consequences of vilification of high State Officers like Chaudhri Zafrullah Khan and General Nazir Ahmad. He was told that if the warning went unheeded, Government would be constrained to take severe action against the Ahrar and that the result of this warning would be watched.

STONING TO DEATH OF AHMADIS IN AFGHANISTAN AND THE ‘ASH-SHAHAB’

According to the view propounded by the leading *ulama* before us the punishment for apostasy (*irtidad*) in Islam is death. If, therefore, Ahmadis are *kafirs*, a person who becomes an Ahmadi renders himself liable to the capital punishment. This doctrine seems to be in force in Afghanistan as part of the law of the land and several persons there have paid the supreme penalty for their un-Islamic beliefs. The first Ahmadi to experience the rigour of this law was one Abdur Rahman Khan who was executed in the time of Amir

Abdur Rahman Khan. The second was Abdul Latif who was stoned to death in 1903 during the reign of Amir Habibullah Khan. Abdul Latif was an Afghan national who, after living for sometime with Mirza Ghulam Ahmad at Qadian, had himself become an Ahmadi. When he returned to Afghanistan in 1903, he was declared by the *Ulama* to be a *murtadd* for having become an Ahmadi and was ordered to be put to death. He was fixed alive in the ground up to the waist and was then stoned to death. The same fate befell one Ne'matullah Khan who, on the ground of his having become an Ahmadi, was declared by the *ulama* of Afghanistan to be a *murtadd* and on 31st August 1924 was publicly stoned to death at Sherkot.

The execution of Ne'matullah Khan gave rise in India to some controversy about the punishment of apostasy in Islam. Maulana Shabbir Ahmad Usmani, a scholar of Deoband, wrote on the subject a pamphlet called 'Ash-shahab'. The first part of this document was devoted to establishing that Ahmadis were apostates (*murtadds*) and the second to proving that the appropriate penalty in Islam for apostasy (*irtidad*) is death.

This pamphlet had remained in oblivion for about thirty years bat some-time before March 1950, Qazi Ehsan Ahmad Shujabadi obtained the permission of its author who had now become Sheikh-ul-Islam-i-Pakistan, to reprint and publish it. The permission was granted and the pamphlet began constantly to be quoted and cited as a *fatwa* in the speeches of the Ahrar. In a public meeting held in Company Bagh, Rawalpindi, from 14th to 16th April 1950, almost every speaker appealed to the audience to purchase copies of the 'Ash-shahab'. This was reported to Mr. Anwar Ali, D.I.G., C.I.D., who, by his note, dated the 20th March 1950, drew the attention of the Chief Secretary to the possibility of a person's getting incited by the *fatwa* and killing some Ahmadi. Mr. Anwar Ali, however, expressed the opinion that for obvious reasons it was not advisable to take any action against the publication and contented himself merely by suggesting that Master Taj-ud-Din Ansari and other Ahrar leaders who were becoming unbridled should be sent for and formally administered a warning. The Chief Secretary, Mr. Fida Hasan agreed with the D.I.G., C.I.D., that tae banning of the pamphlet would bring the Ahrar into the limelight and that a strong warning would be sufficient. The Adviser for Law accepted this view, and when the file came up to the Governor, Sirdar Abdur Rab Nishtar, on 30th June, he wrote :—

> "Previous warnings have not proved effective. A stern warning should be given to the fellows and they should be told that provocative speeches against a group or an individual, particularly when the individuals concerned are distinguished public servants and are performing important State duties, cannot be tolerated. If the Ahrar do not desist from it, the Government shall be forced to take action against them".

Accordingly a stern warning was given to Master Taj-ud-Din Ansari by the Governor himself. The pamphlet, however, continued to be quoted in speeches at public meetings until the Minister for the Interior saw it. He must have been shocked to realise the implications of the doctrine propounded in this document because he suggested its immediate proscription by the Punjab Government.

In the meantime a report was received of speeches made at an Ahrar conference held at Hafizabad in which Muhammad Ali Jullundri had called Chaudhri Zafrullah Khan a mad dog. Malik Habib Ullah who submitted this report with his comments to the D.I.G., C.I.D., on 19th June 1950, said that unless the tone of the speeches of the Ahrar were controlled Government would have to face quite a few cases of murder or rioting before very long. Mr. Anwar Ali, D.I.G., C.I.D., submitted the case to the Adviser for Law who in turn marked it to the Governor, Sirdar Abdur Rab Nishtar, who said that he would like to talk to D.I.G., C.I.D., about the matter. It was at this stage that Mr. Anwar Ali, D.I.G., C.I.D., took stock of the whole situation and wrote the following note :—

> "Lately the Majlis-i-Ahrar has apart from making obscene and indecent references to the founder of the Ahmadiya faith and the present *khalifa* begun to advocate violence advertently as well as inadvertently. It will be recalled that last year a young Ahmadi officer of the rank of a Captain was brutally attacked and killed at Quetta because he took exception to the conduct of certain anti-Ahmadiya demonstrators. The Majlis-i-Ahrar was opposed to the Partition of the Indian sub-continent. Ahrar leaders enjoyed the confidence of the Congress and used to hob nob with Congress workers. After the Partition they went low. For a time they were afraid of public fury and used to give occasional statements to establish that they were loyal to Pakistan. They were purely on their defensive and did relief work in refugee camps and elsewhere. The members were scattered and for a while the party broke up. Sayyad Ata Ullah Shah Bukhari shifted from Lahore and took refuge in a village in the Muzaffargarh district. Sheikh Husam-ud-Din announced that his political career had come to an end and opened a joint stock company for the purpose of doing inter-Dominion trade. For a while, Sheikh Husam-ud-Din was kept under detention under section 3 of the P.P.S.A. because his loyalty to Pakistan was questioned. One of his colleagues, Makhdum Shah Banauri, was also interned for sometime.
>
> 2. When the Muslim League in this Province became torn with dissensions and its influence suffered a severe set back, the Ahrar thought that it was high time for them to enter the political field. Accordingly, they started a series of Tablighi Conferences. The burden of Ahrar speakers used to be that they were loyal to Pakistan, that they acknowledged the Muslim League as the only political party in the country, that the Kashmir Jehad was fully justified and that public effort should be mobilised for improving the defence of the country. Later they also began to speak against the Ahmadis. The Majlis has some very effective speakers and soon S. Ata Ullah Shah Bukhari emerged from his retirement and with his eloquent tongue aroused public interest once again in his party. As time went on, the tone of the speeches continued to deteriorate. Other items on the programme were forgotten and the Ahrar began to concentrate on the

Ahmadis vilifying them in a most shameful manner. As confidence was gained, Sir Zafrullah Khan, began to be attacked and described as a traitor. The Ahrar are no longer on the defensive but have positively become aggressive. Conditions have now gone too far and bounds of decency and political morality have been surpassed. The following things which are significant have taken place :—

(1) The writings of Mirza Ghulam Ahmad are quoted *ad nauseam* and twisted and obscene and indecent inferences drawn.

(2) Mirza Ghulam Ahmad and the present *khalifa* are described as adulterers and given to unnatural indulgences.

(3) The Ahmadis are described as traitors who have no loyalty towards Pakistan.

(4) Sir Zafrullah is vilified and abused. He is often described as an 'ass' and as a 'knave' and it is imputed to him that he will barter Kashmir to safeguard Ahmadi interests at Qadian.

(5) Alarm is created in the public mind by giving out that Pakistan is governed by Ahmadis who are traitors. In pursuance of this plan lists of army and civil officers who are Ahmadis, are often published.

(6) S. Ata Ullah Shah Bukhari has often said that if Mirza Ghulam Ahmad had claimed prophethood in his lifetime, he would have killed him with his own hands.

(7) At a recent Ahrar meeting passions were raised so much that a man in the audience got up and volunteered to kill Mirza Bashir-ud-Din.

(8) At a meeting at Multan which was addressed by S. Ata Ullah Shah Bukhari, a man got up and asked if he should go and kill Sir Zafrullah Khan.

(9) A booklet entitled 'Ash shahab' written by Maulana Shabbir Ahmad Usmani in which, it is made out that the Ahmadis are '*murtadds*' and, therefore, deserve to be killed by every Muslim, has been reprinted and is being circulated (This book was written by the late Maulana when a controversy of had arisen about the lynching of two Ahmadis in Afghanistan.)

3. Against this, the Ahrar have not made any constructive contribution for the manifold problems, economic, social, political, etc., which confront

Pakistan. They have practically no political programme except perhaps the desire to win supporters for the forthcoming elections.

4. Public memories are tragically short. In spite of the fact that about two years ago the Ahrar leaders were looked upon with distrust and suspicion, they are able to attract large audiences whenever they address public meetings. There are few who question their *bona fides* or even care to ask why all this fuss is made about the Ahmadis. The Ahrar have partially achieved their objective; they have rehabilitated themselves and will before long emerge as a political party not necessarily on the side of the Muslim League. They have their counterpart in India as well. If they are sincere, they should have dissolved their organisation and should have become Muslim Leaguers.

5. The Ahrar leaders probably do not realise that they are playing with fire. A certain amount of buffoonery can be overlooked, but where feelings are inflamed to such an extent that murders, riots, the heaping of insults, etc., are threatened, a halt must be called. It may not be advisable to proceed, against the Ahrar leaders under the Penal Code (in order to avoid raising a further controversy), but their activities being prejudicial to the, maintenance of public safety and public order, the following suggestions might be considered:—

(a) Action should be taken where active violence is preached either under section 3 of the P.P.S.A. or for the abetment of the offence concerned.

(b) Abuse and oblique insinuations against Sir Zafrullah Khan emanating from Ahrar leaders should on no account be tolerated. Any one who defames a Cabinet Minister in public, should be proceeded against under section 21 of the P.P.S.A.

(c) Indecent and obscene speeches which corrupt public morals and outrage public decency, should not be tolerated. Often Ahrar speakers have said that Mahatma Gandhi and their *khalifa* slept together. Such abominable and nauseating humour should not be tolerated particularly in an Islamic State.

(d) Lastly the question of declaring the Majlis-i-Ahrar as an unlawful association under section 16 of the Criminal Law Amendment Act, 1908, should be seriously considered.

6. H. A. L. will recall that the Hon’ble Minister for the Interior expressed it as his opinion that the book entitled ‘Ash-shahab’ which advocates violence against the Ahmadis should be immediately proscribed. It will also be

> recalled that he mentioned quite rightly that unless action is taken at this stage against the Ahrar party and its workers, its popularity may have increased manifold and later action might give them the role of martyrs apart from creating practical difficulties. I might also mention that intelligent and sane people do not want deprave utterances on the part of Ahrar leaders to be countenanced.
>
> 7. I will be failing in my duty if I do not point out to Government that the atmosphere aroused by Ahrar leaders is pregnant with dangerous possibilities and may lead to individual cases of violence against Ahmadis".

This note was marked by the D.I.G., C.I.D., to the Chief Secretary who agreed that the 'Ash-shahab' should be proscribed and action taken under section 3 of the Punjab Public Safety Act where active violence was preached, or where any other offence was committed, for its abetment. As regards the proposal for launching a prosecution where Chaudhri Zafrullah Khan was defamed, he suggested that this should be done only if that Minister himself agreed to such course. As regards the proposal to declare the Ahrar an unlawful association, he remarked that the matter could wait for sometime more. The file was marked to the Adviser for Law who on 11th June 1950 wrote a long note agreeing with the proscription of the 'Ash-shahab' and stating that the strong warning given by him to Master Taj-ud-Din, the President of the Majlis-i-Ahrar, had had no effect and suggesting that the Ahrar leaders should be sent for and another stern warning given to them. He, however, remarked that the Ahrar were not advocating violence in their speeches but merely attacking the Ahmadiya faith, a course which was popular with the average Muslim, and that any action against them for their attack on Ahmadis and their faith will enhance the popularity of the Ahrar and make them martyrs. He, therefore, advocated caution and discretion in dealing with them for their activities. This note was placed before the Governor, Sirdar Abdur Rab Niahtar, who approved of it. The Governor remarked that earlier he had spoken to Maulvi Ghulam Ghaus Sarhaddi of Hazara and later to Qazi Ehsan Ahmad Shujabadi, warning them that if they overstepped the limits and continued making speeches containing incitement to violence, the Government would have to take action against them. He said that these warnings and that given by the Adviser for Law to Master Taj-ud-Din Ansari had had no effect and suggested to the Chief Secretary to speak to Master Taj-ud-Din Ansari about it. Later the Governor decided himself to talk to Master Taj-ud-Din Ansari. Accordingly Master Taj-ud-Din was sent for and after warning him the Governor recorded the following note:—

> "Master Taj-ud-Din, President of the Majlis-i-Ahrar could be contacted only last night and he came to see me this morning at 8 a.m. I told him that while the Government does not want to interfere with the religious activities of any person or organisation, it cannot tolerate activities which are likely to

result in the breach of peace. I informed him, that some months ago Maulvi Ghulam Ghaus, a Frontier Ahrar leader, came to see me and I spoke to him about this aspect of the activities of the Ahrar. Later on Qazi Ehsan Ahmad saw me and I explained the position to him also, but it was unfortunate that in spite of this the tone of the speeches of the Ahrar leaders was, (generally speaking, provocative. The warnings that ware given to Ahrar by H. A. L. through Master Taj-ud-Din under my instructions have also proved ineffective. The speeches of the Ahrar are not confined to legitimate criticism of the religious beliefs of 'Ahmadis'. Some of their speakers indulge in utterances which may lead to trouble. This state of affairs cannot be tolerated by the Government and if the Ahrar did not desist from this attitude, Government will be forced to take suitable action against them in the interests of law and order of the Province. I further told him that it is believed and not without justification, that the conferences held by Ahrar under the garb of *khatm-i-nubuwwat* are really meant to farther their political end. The object is to gain popularity among the Muslim masses who are naturally averse to Ahrar on account of their pre-Partition activities. I also told him that the people are not so devoid of sense as not to see through the game which some of the Ahrar leaders are playing. Day in and day out they hurl abuses upon the Foreign Minister of Pakistan and a large number of high military and civil officers of Pakistan Government who are 'Ahmadis'. Though the propaganda is given a religious colour, the real object is believed to be to create disaffection in the minds of the people against the Pakistan Government for entrusting responsible posts to such persons. A short while ago a long list of military officers who were described as 'Qadianis' was published by the paper which supports Ahrar. This can legitimately be interpreted to mean an attempt on the part of Ahrar to damp the zeal of the Musalmans for Pakistan Army. This is particularly significant when one finds Ahrar referring to the policy of the Government of Afghanistan towards 'Ahmadis'. It is said in speeches that the Afghanistan Government condemn people of this faith to death and in the same text the attention of the people is invited towards the attitude of the Pakistan Government with regard to them. This comparison, may be interpreted to have been intended to create hatred against the Pakistan Government. I told him that so far the Muslim League Government have not come to the field to expose the activities of Ahrar but if the Ahrar go on like this, they shall have to come forward and remind the people of the past activities of this organisation, which would, in my opinion, condemn them for ever. I remarked that it was really strange for the Ahrar to rouse the feelings of the Muslims of Pakistan against 'Ahmadis' on the ground that a portion of the Gurdaspur district which at present forms part of India would have come to Pakistan if 'Ahmadis' had not adopted a certain attitude alleged by the Ahrar, while all their lives they, the Ahrar leaders, have been trying to hand over the whole of Pakistan to Hindus by opposing the Partition of India and supporting the Congress.

2. Master Taj-ud-Din replied that it was painful for him to find that I took such a view of their activities. He said that he had been trying to impress upon the Ahrar speakers to avoid saying anything which may create any embarrassment for the Government or which may result in the breach of peace. He promised to convey my observations to the leaders of his party and assured me that he would do his best that in future' the Government is not given any cause for complaint".

MORE MURDERS

The effect of the wide publication of the 'Ash-shahab' and the campaign, of hatred which the Ahrar were strenuously carrying on against the Ahmadis, brought definite and natural results. Muhammad Ashraf, a youth of 19, murdered an Ahmadi schoolmaster named Ghulam Muhammad at Okara. The following is the story of this murder :—

On 1st October 1950 Maulvi Nur Din, who was an Ahmadi, together with seven other Ahmadis, went on a propaganda (tabligh) expedition to Chak No. 5. The propagandists were surrounded by the non-Ahmadis of the locality who started throwing mud on them, blackened their faces and had them driven through filthy water to Railway Station Okara. The incident was reported to the police and one Maulvi Fazal Ilahi was arrested under sections 147 and 342 of the Penal Code. As a protest against this arrest, shops closed down in Okara and a public meeting was held on the night of 3rd October which was attended by several thousand people. The audience was addressed by several speakers who made highly inflammatory speeches. One speaker appealed to the young men present in the meeting to get rid of the Mirzai nuisance. On the following day Muhammad Ashraf who was listening to the speeches, armed himself with a knife, pursued Ghulam Muhammad while he was on his way to Okara, overtook him near a canal and stabbed him. Ghulam Muhammad was seriously injured and expired before he was taken to the police station. Muhammad Ashraf was produced before a Magistrate and made the following confession : —

> "In September, again said, on the third day of October, a meeting was held at Okara, in which Rizwani Bashir Ahmad, Maulvi Zia-ud-Din, Qazi Abdur Rahman, Ch. Mahbub Alam and the President of the meeting who was probably Qazi Sahib delivered enthusiastic speeches that the Mirzais call Prophet (peace be on him) by bad name. We shall die on his grandeur. It was said in the speeches that those who would differentiate them (Ahmadis) and try to remove them should raise their hands. In the meeting the name of Ilam Din Ghazi was also mentioned and his history was told. I had also read before the history of Ilam Din Ghazi, and once I had been to his shrine. After that the meeting was over. I returned home. The words of

> the speeches resounded in my mind all night. Getting up in the morning I went to Chak No. 48 on a cycle where the master had gone to his house in recess. I stayed in the Chak till he came to school. At a shop in the village *ckowk* I smoked a cigarette. When I came out, master was not in the school. I was convinced that the master was a Marzai and I had come with this intention. In the Chak I inquired from a Sayyad as to whether any *kafir* was teaching our children in the days of Holy Prophet. What right he has that he is staying in our Chak and has got the land allotted and teaches the children. After that I inquired from a boy as to where master had gone. He informed that he had gone to Chak No. 40/3-R. I inquired whether on cycle or foot. He replied, on cycle. I had a knife at that time. I overtook him at a distance of two miles. There I got down from my cycle and felled him by pushing his cycle. I inflicted a knife blow to master and he went running in the water of canal minor. The knife gave way and I set it right and gave him blows in the water. At the time of my beating some persons collected. They stopped me. I told them that they should not check me as I was killing a *kafir*. Another stranger met me and questioned me, I replied that I had killed a *kafir*, I went to Okara."

The Sessions Judge sentenced Muhammad Ashraf to transportation for life and when the case came up on appeal to the High Court, a petition for enhancement of the sentence was also put in by the widow of the deceased. Dealing with the question of sentence, the bench of which one of us was a member made certain observations which are relevant to the present occasion and need reproduction *in extenso*. The bench said : —

> "The question of sentence in this case presents real difficulty and for several days we have anxiously, pondered over it to take a decision. whether the young man, who is proved in this case to have been guilty of the premeditated murder of a completely innocent man, should live or die. The learned Sessions judge has given him a life sentence but a petition for enhancement of the sentence to that of death has been made by Mt. Daulat Bibi, the widow of the murdered man. It is urged in support of the petition that both on principle and precedent the sentence should have been that of death and that the imposition of the lesser sentence in this case has led to a miscarriage of justice. Reliance in this connection is placed on *Ilam Din v. Emperor*, A. I. R. 1930 Lahore 157, and *Aziz Ahmad v. Emperor*, A. I. R. 1938 Lahore 355. In the first of these cases, a youth of 19 or 20, prompted by feelings of veneration for the Prophet of Islam, had been guilty of the premeditated murder of a Hindu who in a vulgar and scurrilous publication had attacked the Prophet. Broadway and Johnstone JJ. who heard the appeal, held that neither the age of the offender nor the motive for the murder was an extenuating circumstance, and confirmed the sentence of death. The second case relates to the murder of a revolting Ahmadi by an orthodox Ahmadi because the leader of the orthodox sect

had been attacked in, a poster by a party to which the murdered man belonged, While considering the propriety of the death sentence. Young C. J. observed : —

‘We consider it would be dangerous in this country to give cause for belief that death would not as a rule result from murders even when they are committed for attacks on leaders of religious communities, or under their influence unless they are committed in circumstances which do amount to grave and sudden provocation.

‘We feel it our duty to say that, conditions being as they are in India, it is most dangerous for leaders of religious communities to attack publicly their opponents from the pulpit, and, in particular, to use the language that has been used by the Khalifa Sahib with regard to Misri Abdul Rahman and his followers; someone may easily be influenced thereby to commit murder. This is not the first time in India that death has followed hard on the heels of similar denunciations. Even if we accept, as contended by counsel for the appellant, that the Khalifa Sahib referred to punishment in the spiritual sense, it must be remembered that some zealous followers of any religious leader have difficulty in distinguishing spiritual from corporal punishment. In any event there are always in this country fanatics who believe that they are the instruments of God in carrying out such punishments. We must confirm the sentence of death passed upon Aziz Ahmad and dismiss his appeal.’

“On the other hand. it was quite seriously contended for the appellant, and we refer to this argument not because it deserves any serious consideration but merely to illustrate how religious controversies may engender hate and anger, that the Ahmadis are an outstanding provocation to non-Ahmadi Muslims and that any public and aggressive propaganda in favour of the doctrines of that sect may amount to grave and sudden provocation so as to reduce the offence of murder to that of culpable homicide, and, in any case, should be treated by the Court as an extenuating circumstance Justifying the withholding of the capital sentence.

“If we were to follow the principle laid down in the two cases cited above, there would be no alternative for us but to enhance the sentence to that of death. But both these are pre-Partition cases and the actual decision in each of them was influenced by administrative considerations. In the present case, we cannot shut our eyes to the fact that the murder was not committed with any sordid motive and that the offender, who is a youth of impressionable age, was made to believe that in the circumstances the murder had become an obligation by discharging which he could earn religious merit. In the speeches made in the meeting of 3rd October, the

> Ahmadis were denounced as a menace to Islam and death followed hard on the heels of that denunciation. Where a youth commits murder under the influence of his elders, we have always taken the view that a sentence of death need not be imposed on him, and we are unable to distinguish that class of cases from the present one where learned religious divines take the place of elders and publicly preach violence as a religious duty. There is yet another category of murders where Courts do not generally give the capital sentence, namely, where the offence is committed under the influence of some mental derangement which does not in law amount to insanity, and the case of a religious megalomaniac does not seem to us materially to differ from that category. For these reasons we do not think enhancement of the sentence is called for in this case. We must not, however, be understood as laying down any general rule, and any recurrence of this species of crime, which tends to bring religion into disrepute and to make it the laughing stock of the world, might induce us to take a different view and revert to the normal sentence for murder."

The Okara murder was followed by the murder of another Ahmadi in the same month, the interval between the two being only a few days. In Bagh Gowalmandi at Rawalpindi, Badar-ud-Din who was an Ahmadi was shot dead by one Wilayat Khan. The motive for the murder in that case remained obscure but one of the eyewitnesses, who was believed both by the Sessions Judge and the High Court, had deposed that on being arrested on the spot the accused himself had confessed that he had murdered Badar-ud-Din because he was an Ahmadi.

Indignant protests over these murders were made by the Ahmadiya community and some representations were sent to the Central Government in this connection. By its letter No. 109-S(1)/50 dated 2nd November 1950, the Ministry of the Interior sent the following resolution which had been passed by the Ahmadiya Muslim Association, Karachi, on. 20th October, 1950, to the Chief Secretary to Punjab Government for that Government's comments : —

> “This general meeting of the Ahmadiya community, Karachi, strongly condemns the murder of Master Ghulam Muhammad Ahmadi in Okara and of Chaudhri Badar-ud-Din Ahmadi in Rawalpindi which have been caused by the inflammatory speeches of the Ahrar leaders against the Ahmadiya community. The meeting expresses deep concern at the failure of the Provincial and the Central Governments to take notice of the mischievous activities of the Ahrar against a section of Pakistan citizens and invites the attention of the two Governments to the dangerous situation which has been created by such activities and urges upon the Governments to take suitable action in the matter.”

The Central Government also inquired from the Punjab Government whether there was, in their opinion, any danger of a general dead set being made against the Ahmadis in this Province. To this the Punjab Government's reply was that there was no danger of any violent upheaval against the Ahmadis, that the two murders were being inquired into in Court, and that if the Ahrar, as reported, agreed to co-operate with the Muslim League, the sectarian propaganda in which they were engaged would end automatically.

In March 1951 a plot, to which high-ranking military officers were parties, was discovered, the object of which was to overthrow the Pakistan Government. One of the accused persons in that case which came to be called ‘The Rawalpindi Conspiracy Case’, was Major-General Nazir Ahmad, who was an Ahmadi. In a speech delivered by Maulvi Muhammad Ali Jullundri at the annual meeting of Jami’ Rashidia, Montgomery, on 15th April 1951, he alleged that eighty per cent pilots in the Air Force were Ahmadis, that the treachery of the Ahmadi officers had been revealed by the discovery of the Rawalpindi conspiracy, that this conspiracy had awakened the Government to realities, that he was in possession of documentary evidence to show the complicity of Ahmadis in tins conspiracy and that Chaudhri Zafrullah Khan had purchased with State money a luxurious mansion in America just opposite to the palace of President Truman, with the object of preaching Ahmadiyat there. When the report of this speech came up before Mr. Anwar Ali, D.I.G., C.I.D., he remarked that speeches of this kind would have a thoroughly bad effect on public tranquillity and might stir up indignation and wrath against the Ahmadis. He proceeded to add that if propaganda of this sort continued, the Majlis-i-Ahrar will have to be administered a formal warning. This note was placed before the Chief Secretary and then before the Chief Minister who initialled it but when the file went back to A.D.I.G., he noted that no orders in the case had been passed but that he presumed that it was not intended that any action should be taken.

YAUM-I-TASHAKKUR

By their Lahore resolution, of January 1949, the Ahrar had decided to convert themselves into a purely religious party and to assist the Muslim League in all political matters. They had also announced that they would support the Muslim League in the forthcoming elections, provided the candidate nominated by the League was not an Ahmadi. Electioneering began in early winter 1950 and the results were announced in March 1951, the Muslim League having won by a large majority. The Muslim League had nominated some Ahmadis as its candidates, but they were all defeated. The Ahrar’s own activity during the elections was not consistent. According to the evidence of Mr. Daultana, though they helped some Muslim League candidates they also opposed others who were not Ahmadis. The Muslim League Ministry with Mr. Daultana as the Chief Minister, was installed in office in early April 1951.

As no Ahmadi was elected to the Legislative Assembly, the Ahrar announced that a '*yaum-i-tashakkur*' (thanks-giving day) would be observed to celebrate the victory which they had scored over their opponents. This '*yaum*' was celebrated in several places on different dates from March to May 1951. At Lyallpur it was celebrated on 20th April 1951, when at a mammoth public meeting; Ghulam Nabi Janbaz threatened an Ahmadi shopkeeper Fazal Din with dire consequences. On 7th May this shopkeeper was attacked in broad daylight in his own shop. On 13th May a mob set fire to an Ahmadi mosque at Samundri and the worshippers present there were thrashed.

At Gujranwala the day was advertised on the 29th and held on the 30th March 1951. The manner in which the meeting was advertised led to a scuffle between an Ahmadi and a non-Ahmadi, resulting in injuries to the latter.

In Lahore the '*yaum-i-tashakkur*' was observed on 25th and 26th May 1951. In view of the fact that earlier Ata Ullah Shah Bukhari at Lahore and Muhammad Ali Jullundri At Jami' Rashidia, Montgomery, had accused the Ahmadis of complicity in the Rawalpindi conspiracy and specifically mentioned in this connection the name of Major-General Nazir Ahmad, it was considered necessary to warn the Ahrar leaders that any repetition of that allegation would arouse violent antagonism against a wrong party and that the speaker making any reference to this subject would make himself liable for contempt of Court. Accordingly Mr. Qurban Ali Khan, Inspector-General of Police, sent for Master Taj-ud-Din Ansari on 23rd May 1951 and warned him of the consequences if any reference to this subject was made.

On the first day of the celebrations bands of volunteers of Ahrar from all over the Punjab and the Frontier Districts of Peshawar and Haripur Hazara, paraded in a procession through the streets of Lahore, being accompanied by five bands. At the evening meeting, which was attended by several prominent men including Muslim League M. L. As. and office-bearers, speeches were made by Ahrar leaders including Sahibzada Faiz-ul-Hasan who demanded that the Ahmadis be declared a minority or forced to leave this country and settle in India. Maulana Ahmad Ali, who presided at the meeting, moved a resolution demanding the Pakistan Government to remove Ahmadis from responsible posts, while Sayyad Ata Ullah Shah Bukhari referred to the arrest of Major-General Nazir Ahmad, which arrest, he remarked, had converted the '*yaum-i-tashakkar*' into '*yaum-i-tafakhkhur*' because the State had been saved from a grave peril. In his usual vulgar humour he remarked that Major-General Nazir Ahmad had been stripped naked and that it was for the Ahmadis to get him another pair of trousers. He also alleged that Major-General Nazir Ahmad had been instigated to join the conspiracy by Mirza Bashir-ud-Din Mahmud Ahmad. The slogans suggested by Bukhari to be shouted by the audience were :

> "*Namak-haraman-i-Pakistan murdabad*", "*Ghaddaran-i-Pakistan murdabad*", "*Pakistan zindabad*", "*Mirza Bashir-ud-Din murdabad*" and "*Mirzaeeat murdabad*".

At the meeting of 26th May, Qazi Ehsan Ahmad Shujabadi again referred to the Rawalpindi Conspiracy Case while Sheikh Husam-ud-Din declared that Ahmadis who were a danger to the national unity of Muslims, should be removed from key posts. Disparaging remarks by him and Allama Ala-ud-Din Siddiqui were made about Chaudhri Zafrullah Khan, demanding his removal. On this day also a procession was taken out.

When the report of the speeches at this meeting was placed before the Chief Minister in the ordinary course he made the following significant remark : —

> "Ahrar are merely trying to capture a political 'living space' on an issue which has obvious attraction for the common run of people in Pakistan. We have to watch closely that a measure is kept."

AHMADI MOSQUE BURNT

A telegraphic complaint about the burning of the Ahmadiya mosque at Samundri and of mercilessly beating peaceful worshippers there, was made by Amir-i-Jama'at-i-Ahmadiya, Bhera, to His Excellency the Governor-General of Pakistan. The Ministry of the Interior by its letter No. 44/1/51-Poll(1) dated 28th May 1951, forwarded a copy of this telegram to the Chief Secretary to the Government of the Punjab requesting for an early report with the comments of the Punjab Government. In reply to this letter S. Ahmad Ali, Home Secretary to Government, Punjab, wrote the following letter No, 8447-BDSB, dated the 28th June 1951 :—

> "Reference your letter No. 44/l/51.Poll(l), dated 28th May 1951, I am directed to report that on the afternoon of 13th May, 1951, a mob of non-Ahmadis (Ahrar) of Samundri town in Lyallpur district collected together and set fire to the mats and roof of the kacha mosque consisting of one room and a platform built on evacuee land in the vicinity of District Board School. Some members of the Ahmadiya community who happened to be present on the spot were assaulted. A peon of the D. B. School carried the news of the sacrilege and arson to the local police and they rushed to the spot immediately. The District Magistrate and the Superintendent of Police also arrived without any loss of time and the situation was brought under control. Fourteen of the culprits were arrested *flagrante delicto*. Later, 6 more were arrested and on completion of investigation the case was put in Court for trial. The prompt action taken by the local authorities stopped, any deterioration of the situation and the atmosphere is now calm and quiet.
>
> "The person who lodged the F.I.R. with the police gave an exaggerated version of the incident and involved some innocent persons, two of whom are revenue officials. It was found, after investigation that they did not participate in the commission of the crime and the allegations against them were unfounded.

"Further developments will be communicated in due course".

OTHER SPEECHES BY AHRAR

On 25th August 1951, Mr. Bashir Ahmad, Amir-i-Jama'at-i-Ahmadiya, Lahore, addressed a letter to the Deputy Commissioner, Lahore, complaining of a speech by Sayyad Ata Ullah Shah Bukhari, made in a largely attended public meeting held in Lahore outside Mochi Gate on 19th August 1951, in which the speaker had alleged —

(*a*) that Chaudhri Zafrullah Khan, the Foreign Minister of Pakistan, was disloyal to the State,

(*b*) that before the Partition the head of the Ahmadiya community had told his followers that Pakistan was not going to come into existence and that if any such State was created, the divided country would again be re-united, and

(*c*) that the Ahmadis were spies of the Indian Government and that if war broke out with India, advantage should be taken of the opportunity to rout the Ahmadis who were enemies of the State.

This letter, with the Commissioner's note, was sent to the Home Secretary (S. Ahmad Ali) who on 1st September 1961 made the following comments on it :—

"I have discussed this matter with H.C.M. who has asked me to request the I.G. Police to convey it to the Ahrar leaders that they have been exceeding their limits in their speeches, both in regard to the Foreign Minister and also in regard to the Ahmadiya community in general. There has already been a riot and murder, blackening of the face of an Ahmadi and making him, ride on a donkey and the burning of one of their mosques. If the Ahrar do not now atop their provocative speeches, the result on law and order might be disastrous. In the past several warnings have already been given to them. They should, therefore, now be told once for all that Government wants to stop them from these provocative speeches which are likely to disturb the peace of the Province and if they will not take this warning, Government will Take all steps to have its orders obeyed and the Ahrar themselves will be responsible for the consequences

"l have asked, the Deputy Commissioner to tell Mr. Bashir Ahmad, Advocate, that they should not hold this retaliatory meeting which they intend to hold tomorrow, and I hope he will obey, but if he does not, action will have to be taken under section 144, Cr. P. C. to stop the meeting."

When the case came to Mr. Qurban Ali Khan, I.G.P., he wrote : —

> "I have explained the whole position as explained in the above note, to Sheikh Husam-ud-Din, General Secretary of the Pakistan Majlis-i-Ahrar. He has understood the effect which the provocative speeches are likely to create on the law and order position, particularly at this juncture, and he assures me that it is their policy not to create any controversial situation while the country is facing a crisis to meet which unity amongst all sections of Pakistanis is imperative. Sheikh Husam-ud-Din further tells me that he will take the earliest opportunity to call an emergent meeting of their Working Committee to discuss what I have told him and to impress upon the members the need for being careful in their public utterances.
>
> "This note has been read over to Sheikh Husam-ud-Din and, in fact, is partly dictated by him."

The case was submitted on 3rd September 1951 to the Chief Minister for information.

On 4th September 1951, the Ministry of the Interior addressed a letter, D. O. No. 720-S(l)/51, to the Chief Secretary to the Government of the Punjab, saying that Sayyad Ata Ullah Shah Bukhari, while speaking at a public meeting in Mochi Gate sometime during August last, had alleged that Chaudhri Zafrullah Khan, Minister for Foreign Affairs, was "selling Kashmir to the Government of India for the sake of Qadian" and inquiring whether the report was correct and suggesting that a clear warning should be conveyed to Bukhari and other Ahrar leaders that they must desist from maligning the Minister for Foreign Affairs as well as the Ahmadis generally. In reply to this, the Chief Secretary wrote the following D.O.No. 11794-BDSB., dated the 19th September 1951: —

> "Please refer to your D. O. letter No. 720-S-(I)/51, dated the 4th September, 1951. Sayyad Ata Ullah Shah Bukhari addressed a public meeting outside Mochi Gate, Lahore, on 19th August 1951. He did make disparaging remarks about the Ahmadiya community and said that Mirza Bashir-ud-Din Mahmud was opposed to the formation of Pakistan and had publicly made a plea for getting India united. This statement, he alleged, was made in the presence of Honourable Ch. Muhammad Zafrullah Khan who, according to him, did not contradict it. The Provincial Government has already taken note of the mischievous speeches which Ahrar leaders have been making. On the 1st September, 1951, Sheikh Husam-ud-Din, General-Secretary Of the Majlis-i-Ahrar, was sent for by the Inspector General of Police and administered a clear warning. Sheikh Husam-ud-Din assured the Inspector-General that it was not the policy of his party to create dissensions particularly when the country was faced with an emergency. He undertook further to call a meeting of the Working Committee at the earliest opportunity with a view to impressing upon the

> members to exercise forbearance and restraint in their public utterances. In view of this unequivocal assurance, the Provincial Government does not consider it necessary to administer another warning to Sayyad Ata Ullah Shah Bukhari. The situation is being watched and suitable action will be taken if it is found that the warning has not been heeded".

On 27th September 1951, the Superintendent of Police, Sargodha, reported to A. I. G. P. that in a meeting held inside Juma Mosque Bhalwal on 22nd and 23rd September 1951, two Ahrar workers, namely. Habib-ur-Rahman and Maulvi Muhammad Hayat, had made virulent speeches against the Ahmadiya sect. These speeches were examined by Mr. Anwar Ali, D.I.G., C.I.D., who on 3rd October 1951 remarked, that the speeches were not only illegal but open to objection and that it appeared that the workers of the Central Committee of Majlis-i-Ahrar bad not issued any directions to their district workers in pursuance of the undertaking given by Sheikh Husam-ud-Din to Mr. Qurban Ali Khan. He directed the Superintendent of Police to send for the leaders of the local Ahrar party and to administer a warning to them. Mr. Qurban Ali Khan endorsed this action and said : —

> "And if they do not, legal action should be taken against them at-once. We would be justified in this now as necessary warnings have been issued to their leaders and they have promised not to destroy the country by such speeches".

POLICY AND MEASURES

By this time the Central Government had begun feeling concerned about the acute sectarian dissensions and repeated attacks on Ahmadis and their leaders and tenets which were being reported to it. Accordingly the Ministry of the Interior wrote the following letter to the Chief Secretary to Government, Punjab, on 7th September 1951 : —

> "Instances have occurred where Muslim members of various sects have indulged in objectionable propaganda against, each other calculated to hurt each other's feelings and leading, in its extreme cases, to personal violence. An illustration of this type of agitation is the Ahmadi-Ahrar controversy in the Punjab. The Central Government consider that while the legitimate rights of any community or sect to propagate its religious beliefs should not be unduly restricted, and no discrimination should be made between the protagonists of differing views, religious controversies should be confined to reasonable limits and should not be allowed to reach a point where the public peace and tranquillity may be endangered. Militant or aggressive sectarianism should, in the opinion of the Central Government, be suppressed with a heavy hand.
>
> 2. I am desired to bring the views of the Central Government in this matter to your notice for such action as may become necessary in your jurisdiction".

On receipt of this letter, Mr. Anwar Ali, D.I.G., C.I.D., on 1st October 1951, wrote the following note on the sectarian position as it existed in the Province : —

> "The Ahrar have exceeded the bounds of decency and have been making sacrilegious attacks against Ahmadis. They have even been responsible for provoking violence against the Ahmadis. At Okara, one Ahmadi was killed as a result of the tension which followed the speeches made by the Ahrar. At a village near Okara, Ahmadi preachers were waylaid and their faces blackened. At Rawalpindi, an Ahmadi was killed, although it could not be clearly established that the murder was communal. At Samundri, an Ahmadi mosque was set fire to and reduced to ashes. About three years ago, a young PAMC doctor, who was an Ahmadi, was attacked at Quetta and stoned to death. For all this violence the responsibility lies on the Ahrar.
>
> 2. Shia-Sunni differences have been reported from different parts of the Province. The incident at village Shahpur Kanjra, where a child of 3 and a woman were killed, was, however, the first incident in which Shias became the victims of communal violence.
>
> 3. At Gujranwala, sectarian tension existed between the Sunnis and the Wahabis. The difference arose over the number of *travih* which should be read in the month of Ramazan.
>
> 4. The immediate problem is to deal with the Ahrar. A warning has already been issued and I suggest that if this warning is not heeded, firm action should be taken. Government must also do everything to promote amity between Shias and Sunnis".

Mr. Qurban Ali Khan, I. G. P's. note, dated 4th October 1951, on this was: —

> "On another reference this morning I have suggested to D. I. G., C. I. D., that if the Ahrar, despite repeated warnings, do not desist from making provocative speeches, they should be dealt with under the law by the local authorities. There is not the least doubt that Government must now deal firmly with all persons and parties indulging in sectarian propaganda".

At this stage, sectarian disputes took a still more ugly turn. Shia-Sunni differences began to appear and develop in several places. There was a dispute about the construction of an Imambara in Krishan Nagar, Lahore, and a serious apprehension of breach of peace over a *ta'zia* procession was reported from Bhakkar. In Shahpur Kanjra, about seven miles from Lahore, there was Shia-Sunni riot in which two Shias were killed, one of them being a woman, and the other a child of three. When these disputes came to the notice of Government, S. Ahmad Ali, the Home Secretary, wrote the following note on 29th September 1951 :—

> “The policy of the present Government has been made known, but it is now for the leaders of public opinion to take effective steps to check religious fanaticism of this sort. We have far more important things at our hands and certainly will not allow people to ruin themselves in religious squabbles. What is happening now, seems almost a writing on the wall and God help us if we do not stop these ignorant people from cutting each other’s throat and thus bringing comfort and cheer to our enemies”.

On reviewing the whole situation, the Chief Secretary on 3rd November 1951 wrote the following D. O. No. 7505-HG-51/76135 to all the Deputy Commissioners in the Punjab :—

> “I am desired to say that various instances have come to the notice of Government where Muslim members of various sects have indulged in objectionable propaganda against each other calculated to hurt each other’s feelings and leading, not unoften, to personal violence. Glaring illustrations of this are found in the Shia-Sunni differences and the Ahmadi-Ahrar controversy. It has also been alleged that at times some local officers have identified themselves in these schisms. Those differences amongst various sects are a source of unrest in the Province and cause grave concern to the administration. Government consider that while the legitimate rights of any community or sect to practice its religious beliefs should not be unduly restricted and no discrimination should be made between the protagonists of different views, religious controversies should be confined to reasonable limits and should not be allowed to reach a point where the public peace and tranquillity is likely to be endangered. Government, therefore, direct that militant or aggressive sectarianism should always be suppressed firmly.
>
> ”2. Government have decided that—
>
> (*i*) local officers must take strong action whenever there is likelihood of trouble on account of communal provocative speeches or conduct leading to communal tension. For this purpose they should invoke the provisions of prohibitory orders as laid down in the criminal law.
>
> (*ii*) In case it is found that any local officers are involved in the affair, drastic steps should be taken against them if the inquiry reveals that they had participated with any party in instigating the trouble.
>
> (*iii*) District Officers should enlist the support and co-operation of the local public organisations to propagate against fanaticism and to preach religious tolerance as enjoined by Islam”.

Within a fortnight of the date of this letter, the Superintendent of Police, Lyallpur, by his wireless message dated 18th November 1951, reported that a Seerat-un-Nabi meeting held by the Ahmadis in Lyallpur was broken up by the Ahrar, with the result that the clash between the two parties had resulted in injuries to several men on either side.

MORE SPEECHES BY BUKHARI

An Ahrar conference called the Suba Conference or the Khatm-i-Nubuwwat Conference or the Difa' Conference was announced to be held at Okara in the Montgomery district on 24th and 25th November 1951. The local police officers suggested that this meeting should be banned and the suggestion was accepted by the Chief Minister. In the meantime, however, the Deputy Commissioner, Mr. Cheema, had arrived at a settlement with the Ahrar and permitted them not only to hold the meeting but had also offered to preside over it himself. Mr. Cheema insisted that this conference be permitted to be held and the Government agreed to this. But the apprehensions of the local police officers turned out to be true because in the speech made by Qazi Ehsan Ahmad Shujabadi in the meeting presided over by Mr. Cheema, he alleged that Ahmadis had a hand in the assassination of the Quaid-i-Millat which had occurred in the preceding October. On the following day Mr. Faiz Muhammad Khan, the Additional District Magistrate, attended the meeting and delivered a short speech. Ata Ullah Shah Bukhari as usual made a long speech in the course of which he referred to Mirza Bashir-ud-Din Mahmud Ahmad's statement that even after the creation of Pakistan efforts would be made for reunion of the country. He described this as an act of treachery and proceeded to say that one traitor was worse than ten million swine (*khanzeers*).

Taking Mr. Cheema's conduct as a precedent the Deputy Commissioner of Muzaffargarh attended a Defence Conference at Muzaffargarh on 28th and 29th November 1951, and the Deputy Commissioner, Gujrat, made a request to preside over a similar meeting in his district. The request, however, was turned down and Mr. Cheema's own conduct, which was the subject-matter of lengthy correspondence between him and the Government, was not approved by the Government.

On 22nd November 1951, Mr. Bashir Ahmad, Amir-i-Jama'at-i-Ahmadiya, Lahore, wrote a letter to the Chief Secretary complaining of a highly inflammatory speech delivered by Sayyad Ata Ullah Shah Bukhari in Lahore in the preceding September. In this letter he pointed out that two meetings organised by the Ahmadiya community to which speakers of all sects had been invited to address the audience on the life of the Holy Prophet on the occasion of 'Seerat-un-Nabi', had been obstructed at Multan and Lahore, that religious intolerance had manifested itself in the assassination of the Quaid-i-Millat, in Shia-Sunni conflicts and attacks on Christians, and that unless curbed, it would assume proportions which may prove a headache for the administration. He claimed for every subject of the State the liberty to profess and preach his faith and asked the Government to have an absolutely clear policy in the matter which should be followed in practice. He complained that either the Government had no policy on the subject or those who had to carry it out were not serious about it and requested the Government to have the position examined thoroughly. The Chief Secretary asked for comments on this application from the Inspector- General of Police, Mr. Qurban Ali Khan, who wrote a short and clear note stating that he agreed with every single word of Mr. Bashir Ahmad's representation and remarked that irrespective of religious faith or creed it was the clear duty of the Government to protect every one against aggression, that this could be done only if a firm policy were decided upon and clear instructions issued to the district officers and that the earlier this was done, the better it was for the administration and the people.

In those very days another incident had been reported by the Superintendent of Police, Muzaffargarh, in his weekly confidential diary for the week ending 27th October 1951. The report was that a public meeting had been held on 21st October 1951 at Alipur under the auspices of the Ahrar party, which was addressed by a single speaker, Sayyad Ata Ullah Shah Bukhari, that in his speech Bukhari had alleged that the Mirzais had not accepted the Partition willingly and expected once more to unite with India, that they were traitors to Pakistan and were working as Indian spies and that a Mirzai spy had been caught in Lahore collaborating with an Indian spy Gopal Das. This report was taken notice of by Mr. Khuda Bakhsh, S. P. (B) who sent it up to the D. I. G. with the remark that the warning administered once to Master Taj-ud-Dins the President, and subsequently to Maulvi Mazhar Ali Azhar, the General .Secretary, of the Majlis-i-Ahrar had had no effect. The D. I. G., Mr. Anwar Ali, again, wrote a long note on 7th November 1951 referring to the warnings given by the Governor, the Chief Secretary the Advisor for Law, and the I. G. Police, to the Ahrar leaders, including Sh. Husam-ud-Din, and to the irresponsible speeches made by the Ahrar at Okara in consequence of which faces of some Ahmadi preachers were blackened and one Ahmadi killed, and made the following proposals:—

(1) that one or two Ahrar leaders who had been promoting hatred among classes should be served with a gag order and forbidden from making public speeches,

(2) that as an alternative such persons should be restricted to their home villages and not allowed to move out without the previous sanction of Government, and

(3) that they should be prosecuted under section 153-A for causing hatred between communities.

He ended by pointing out that unless something drastic was done, the Ahrar leaders would not respond to any gentlemanly treatment. When the case came up to Mr. Qurban Ali Khan, he on 14th November 1951 took careful stock of the position and remarked that the Ahrar had done enough to justify firm action being taken against them, that the warning conveyed by him to Sh. Husam-ud-Din had had no effect on the Ahrar, that it was obvious that no warning could be of any use, that even if the Ahrar as a party refrained for some-time from denouncing the Ahmadis, Bukhari who had no qualification except that of abusing the Ahmadis and was incorrigible would not be able to desist from it. His own view he stated as follows:—

> "Unless therefore he (Bukhari) is prohibited from attending public meetings or is shown some one else publicly to abuse he will never stop saying all that he is doing or even worse against the Ahmadis. If he is prohibited from attending or addressing public meetings, he and his party would be provided with a platform to come to life again. If he is arrested, his party, though dying, will gain vigour again. It is really now for the politicians to weigh and see which is the lesser evil—to deal firmly with the Ahrar and to face their agitation, or to let them go on with this nefarious and dangerous and uncalled fop propaganda against the Ahmadis. Personally I would take the former action. It will not only curb the Ahrar but would also help build a more tolerant character in the nation".

The case came to the Chief Secretary who submitted it to the Chief Minister to decide the point after hearing the I. G. and the D. I. G., C. I. D. in his (Chief Secretary's) presence. The Secretary to the Chief Minister returned the file with the remark that the Chief Minister intended to talk to the Ahrar leaders and that no action need be taken until he had discussed things with them.

A deputation of the Ahmadis waited upon the Chief Secretary on 30th November 1951 in connection with Mr. Bashir Ahmad's representation. Mr. S. Alamgir, who was present at the interview, recorded a note of what transpired at the interview, and submitted it to the Chief Secretary on 1st December 1951. He pointed out that Ahrar-Ahmadiya controversy was gaining ground every day and was likely to develop further and that it was necessary for Government to evolve a definite policy to deal with this important question which had serious repercussions on law and order. He suggested to the Chief Secretary that the Chief Minister should call a meeting of the Chief Secretary, I. G. P. and Deputy Home Secretary before he (Chief Minister) talked to the leaders of the Ahrar party. Accordingly on 6th December 1951, the Chief Minister, the Chief Secretary, the Inspector-General of Police and Deputy Home Secretary met in a meeting and decided to issue a formal letter to Commissioners of Divisions and Deputy Commissioners that strong executive measures should be taken to enable the Ahrar and the Ahmadis to hold their respective meetings and to ensure that no violence was resorted to by either party. Consequently the following directive was issued to all Deputy Commissioners on 24th December 1951:—

> "As you are aware, the Ahrar-Ahmadiya controversy has been brewing for sometime past in the Province and certain incidents of personal violence which occurred recently have caused grave concern to the administration. It has been Government's firm policy that the legitimate rights of any community or sect to practise its religious beliefs should not be unduly restricted and that no discrimination in this respect should be made

> between different parties. It is, nevertheless, important that religious controversies should be discouraged or at any rate they should not be allowed to the extent of endangering the public peace and tranquillity. This letter is particularly designed to invite the attention of district officers to meetings held by the Ahrar or by the Ahmadis.
>
> "2. Government feel that wherever the district authorities are vigilant and are able to enforce timely preventive measures, there is little or no likelihood of the Ahrar or of the Ahmadis disturbing each other's meetings. Clashes have occurred only where the local authorities have failed to adopt a firm attitude or have otherwise failed to assess dispassionately the rights or wrongs of the parties concerned. If both parties are dealt with firmly and justly without any discrimination whatever, there is no reason why this increasing menace of vilification by one Muslim sect of another should not be brought under proper control".

The Jama'at-i-Ahmadiya, Sialkot, intended to hold its Tabligh Conference in its own ground on 16th and I7th February 1952, but the Ahrar did their utmost to have the meeting banned. Failing in their efforts, they marched with a large crowd towards the place of the meeting with shouts of "*banaspati nabi* (spurious prophet) *murdabad*". "*Mirzaeeon ka jalsa band karo*", "*Kufr ka jalsa band karo*", and attempted to break through the police cordon. As the Deputy Commissioner, the Superintendent of Police and the Additional District Magistrate were on the spot, having had previous information of the trouble, the Ahrar did not succeed in their design and satisfied themselves by throwing stones when the Ahmadis were returning to their houses after the meeting. Two foot constables were injured in the incident.

The Ahrar held an 'Istehkam-i-Pakistan Ahrar Conference' at Sargodha on 24th and 25th March 1952. As what happened at this conference was the subject-matter of correspondence between the Central Government and the Provincial Government, between the district officers and the Provincial Government and between a deputation of Ahmadis and the Punjab Government, and some decisions were taken to stop the recurrence of such, incidents, it merits a detailed description. A full account of the incidents connected with this conference is contained in Memorandum No. 385-87/C, dated 28th March 1952, sent by the Superintendent of Police to the Deputy Inspector-General of Police, C. I. D., Punjab, which is as follows:—

> "The Ahrar of Sargodha held a conference advertised as 'Istehkam-i-Pakistan Ahrar Conference' at Sargodha on March 24 and 25. This conference was sponsored and organised by Maulvi Muhammad Abdullah Ahrari, bookseller of Sargodha. Maulvi Abdur Rahman of Miani, Maulvi Muhammad Ali Jullundri and Sayyad Ata Ullah Shah Bukhari were the most important speakers at this conference. Maulvi Muhammad Ali Jullundri remarked in the course of his speech that Mirzaies were *zindiqs*

and according to Islamic law *zindiqs* were liable to be murdered. Another speaker named Ch. Muhammad Sharif Bahawalnagri remarked in the course of his speech that Muslims should be both *namazi* and *ghazi*, Sayyad Ata Ullah Shah Bukhari remarked in the course of his speech that Sir Zafrullah Khan was intentionally keeping the Kashmir affair unsolved and was also keeping alive the bitterness between Pakistan and Afghanistan, Sayyad Ata Ullah Shah Bukhari also advised the audience to take out a procession demanding the removal of Sir Zafrullah Khan from his office and further asked the audience to shout '*Mirzaeeat murdabad*', 'Sir Zafrullah *murdabad*' and 'Mirza Bashir Ahmad *murdabad*'.

2. In addition to other resolutions it was resolved in the course of this conference that the Mirzai community should be treated as a separate minority community and Mirzai public servants should be removed from all key posts as Mirzai public servants are establishing a separate organisation under the instructions of their *khalifa* and *mirzaeeat* was proving dangerous to the country.

3. The 'Istehkam-i-Pakistan Ahrar Conference' was held in the Municipal Gardens both on March 24 and 25 and its audience numbered from 1,000 to 2,000 on both the days.

4. I made police arrangements both on the 24th and 25th March as there was an apprehension of a breach of the peace and the local Ahmadis had made a representation to this effect to the District Magistrate.

5. The Ahrar of Sargodha decided to take out a procession after the Juma prayers today at Sargodha city as decided by Sayyad Ata Ullah Shah Bukhari and Maulana Muhammad Abdullah Ahrari in their conference with the object of shouting slogans against *mirzaeeat*, Sir Zafrullah Khan and the Khalifa of Qadian. This matter was brought to my notice as soon as I returned from my tour at midday and the District Magistrate also phoned to me to make suitable police arrangements in the city. I collected my force immediately and wont to the city at 1.30 p. m. Khan Abdul Hadi Khan, Additional District Magistrate, also reached there as directed by the District Magistrate. When I and my party reached the Gol Chowk Mosque, a procession of Ahrar led by Maulvi Muhammad Abdullah Ahrari, Maulvi Saleh Muhammad, Mu'allam of Siraj-ul-Uloom, and Abdur Rashid Ashk an editor of the local paper known as Shu'la came from Katchery Bazar. These persons had come from the Jami' Masjid after saying their Friday prayers. The number of these processionists was approximately 200. I asked Maulvi Muhammad Abdullah Ahrari, Maulvi Saleh Muhammad and Abdur Rashid Ashk not to lead the procession as it was likely to create disaffection between different communities and cause a disturbance of the

public peace but they paid no heed to my advice and insisted on loading and taking out a procession and asserted that that was the only way to protest against Sir Zafrullah Khan, *mirzaeeat* and the leader of the Ahmadis. In spite of my persuasion and advice these three persons asked their followers to shout 'Sir Zafrullah *murdabad*', 'Mirza Bashir Ahmad *murdabad*' and 'Mirzaeeat *murdabad*' and all their followers shouted these slogans vociferously and some of them jumped and clapped. This procession was swollen by more and more men as it advanced and after passing through Block No. 9 and Bansanwala Bazar it came back to the Katchery Bazar where it was met by another big procession which was equally strong in numbers and the whole procession then marched to the Municipal Gardens as advised by Maulvi Muhammad Abdullah Ahrari and Abdur Rashid Ashk. Abdur Rashid Ashk addressed the processionists at Gol Chowk and advised them not to disperse and go fearlessly through, their proposed route. The processionists shouted anti-Zafrullah Khan and anti-*Mirzaeeat* slogans with great noise and voice and at one time it seemed as if there was no law and order. All the shops were closed due to Friday and the Ahrar leaders had deliberately selected a free day for taking out their procession. The District Magistrate witnessed this procession when it reached the Chowk of the Katchery Bazar. The Ahrar procession started at about 1.30 p.m. and lasted till 2.30 p.m. When the procession reached the Municipal Gardens it assumed the shape of a public meeting and the audience was addressed by Maulvi Muhammad Abdullah Ahrari and Abdur Rashid Ashk, one after the other. The number of the audience at this time was not less than 500. Both the speakers thanked the audience for taking out a successful procession against Sir Zafrullah Khan, Mirza Bashir Ahmad and *Mirzaeeat* and again there was a chorus of the following slogans :

> 'Sir Zafrullah *murdabad*',
> 'Mirza Bashir Ahmad *murdabad*' and
> '*Mirzaeeat murdabad*'.

The audience then started dispersing.

6. In addition to Maulvi Muhammad Abdullah Ahrari, Maulvi Saleh Muhammad and Abdur Rashid Ashk, the following were the most active members of the procession and marched in the van-guard of the procession and led anti-Zafrullah and anti-*Mirzaeeat* slogans :—

(1) Abdul Hamid s/o Muhammad Umar, Arain, of Block No. 11, Sargodha city.

(2) Bahaullah s/o Ata Ullah, Kashmiri, of Block NO. 19, Sargodha city.

(3) Allah Rahm s/o Allah Mahi, Changar, wood merchant, Block No. 17, Sargodha city.

(4) Majid s/o Allah Bakhsh, Gujrati, tailor, Block No. 3, Sargodha city.

(5) Yunus s/o Abdur Rahman, Arain, of Block No. 3, Sargodha city,

(6) Ahsan Ahmad, shopkeeper of Block No. 6, Sargodha city.

7. There is no doubt that Ahrar workers and leaders are out to sabotage the safety and peace of our State and miss no chance of creating disaffection against Ahmadis. Their outward object is to denounce Ahmadis, their *khalifa* and Sir Zafrullah Khan, but their inward object is to create disorder and lawlessness in our country. Ahrar leaders are occupying a good many mosques and are working as *imams* and *khatibs*. Their ringleaders usually keep behind the scene and incite others against Ahmadis in the name of their religion and in the name of our Prophet. Maulvi Muhammad Shafi Ahrari, who is a *khatib* of the Sargodha Jami' Masjid, is one of their leaders. The likelihood is that some simple-minded Musalmans infuriated by their slogans and speeches may take to assaulting Ahmadis at Sargodha city or elsewhere in its vicinity where Ahmadis are living in small numbers and the result may possibly be the murder of some innocent Ahmadis. I have organised armed patrolling in the city today but it is not possible to protect all the Ahmadis and their houses.

8. It has also been brought to my notice by Sub-Inspector Sargodha city that local Ahrar leaders of Sargodha city, of whom Maulvi Muhammad Abdullah, Maulvi Saleh Muhammad and Abdur Rashid Ashk are the ringleaders, have decided to take out such processions frequently with the object of denouncing Ahmadiyyat, Sir Zafrullah Khan and the leader of Ahmadis and in this way impress upon the people that they are really bad persons and their religion is hateful. In order to put a stop to these processions and the prejudicial activities of these fellows it is essential that they should be very firmly dealt with as otherwise the public safety and the maintenance of public order will be gravely endangered and there will be law-lessness not only at Sargodha city but also in the whole of the district. As these persons may take some days before they take out another procession, I think it proper that I should take the Government's orders before I take action against them. If in the meantime they take out another procession I shall take action straightaway without waiting for the Government's Orders. The District Magistrate agrees with me that firm action should be taken against these men as that is the only way to put a stop to their prejudicial activities.

9. I propose to arrest Maulvi Muhammad Abdullah Ahrari, Maulvi Saleh Muhammad, Mu'allam of Siraj-ul-Uloom, and Abdur Rashid Ashk of

Sargodha under section 3 of the Punjab Public Safety Act 1949, for 15 days if the Government approves of this action. It will of course be considered during these 15 days whether the Government should detain them for a further period or not. All these three persons are not men of much influence but are sufficiently mischievous and can make inciting speeches.

10. Against the following persons who took part in the procession in a very prominent and active way I propose to start proceedings under sections 107/151, Criminal Procedure Code, for keeping the peace. They are all enthusiastic followers of the above-mentioned 3 Ahrar leaders and are likely to disturb the public peace by assaulting or insulting Ahmadis :—

(1) Abdul Hamid s/o Muhammad Umar, Arain, of Block No, 11, Sargodha city.

(2) Bahaullah s/o Ata Ullah, Kashmiri, of Block No. 19, Sargodha city.

(3) Allah Rahm s/o Allah Mahl Changar, wood merchant, Block No. 17, Sargodha city.

(4) Majid son of Allah Bakhsh, Gujrati, tailor, Block No. 43 Sargodha city.

(5) Yunus son of Abdur Rahman, Arain, of Block No. 3, Sargodha city.

(6) Ahsan Ahmad, shopkeeper, of Block No, 6, Sargodha city.

11. It may be pointed out that processionists shouted ‘Muslim League *zindabad*’ while shouting other anti-*Mirzaeeat* slogans and it appears that they intentionally shouted ‘Muslim League *zindabad*’ in order not to alienate the sympathy of the local Muslim League workers. In their ‘Istehkam-i-Pakistan Ahrar Conference’ which the Ahrar held at Sargodha on the 24th and 25th of March, they invited Mian Muhammad Said Qureshi, President of the District Muslim League, to preside over another of its sittings. It is manifest that they purposely camouflaged all these arrangements. I understand that Ahrar are holding similar conferences all over the Province and taking out anti-*Mirzaeeat* and anti-Zafrullah Khan processions all over the Province and this seems to be a well-planned campaign, on their part and lawlessness is bound to follow this campaign of vilification of theirs unless it is nipped in the bud.

12. An Urdu stenographer of the Punjab C. I. D. recorded the proceedings of the Ahrar Conference held at Sargodha on. March 24 and 25 and he might have submitted his report by now to his officers.”

On receiving this report, Mr Anwar Ali, D. I. G., C. I. D., recorded the following note :—

"I. G. might see this alarming report from Sargodha. The S. P. rang me up yesterday morning and I conveyed his report briefly to the I. G.

2. The conduct of the Ahrar is highly mischievous and was deliberately designed to gain cheap popularity at the cost of Ahmadi blood. To say that the Ahmadis are *zindiqs* and as such deserve death and that Muslims are not only expected to be *namazies* but also *ghazies* can have no other meaning except that the Ahmadis should be put to the sword.

3. The open defiance of the S. P.'s authority and the shouting of such slogans as 'Zafrullah Khan *murdabad*' is most unfortunate. S. P. proposes to take action against M. Muhammad Abdullah, M. Saleh Muhammad and Abdur Rashid Ashk under section 3 of the Punjab Public Safety Act and under section 107/151, Criminal Procedure Code, against another six persons. He has, however, asked for Government's advice. Abdur Rashid Ashk was arrested once before under the Punjab Public Safety Act as he is an erstwhile Congressite and was suspected to be engaged in anti-Pakistan activities. M. Muhammad Abdullah is notoriously anti-Government.

4. I have advocated for sometime that firm action should be taken against the Ahrar particularly because of their sectarian activities. They have been seen making violent speeches against the Ahmadis. At Okara and at Quetta Ahmadis lost their lives as a result of violence preached by the Ahrar. If Pakistan is to develop as a democratic and progressive State, sectarian activities must be put down with firmness; otherwise Pakistan will become a medieval and reactionary State.

5. M. Muhammad Abdullah, Ata Ullah Shah Bukhari and Muhammad Ali Jullundri all have political records. As the office is shut I am not able to attach it. In view of the urgency of the case, I am sending it by hand to I. G. My view is that we must fully support the D. C. and the S. P. in the maintenance of law and order and should allow them to take action against M. Muhammad Abdullah and Abdur Rashid Ashk. For the time being M. Saleh Muhammad should be ignored. The S. P. may also take action under section 107/151, Criminal Procedure Code.

6. The Ahrar are holding another conference at Lyallpur tonight."

Under instructions from Mr. Anwar Ali, D. I. G,, C. I. D., Mr. Ata Muhammad Noon, A. D. I. G., rang up S. P., Sargodha, on 1st April 1952 and informed him that he could take action under section 107/151, Criminal Procedure Code, if he considered such action necessary against any persons but that action under the Safety Act was not desirable. Mr. Noon also told the S. P. that if he wanted to discuss the matter further with the D. I. G., he could come to Lahore. The report of the S. P. was forwarded to P. I. under the orders of Mr. Anwar Ali, dated 2nd April 1952, for opinion whether any legal action in the matter could be taken. On the same day the P. I. reported that the speeches and slogans were actionable both under section 153-A and section. 295-A of the Penal Code.

On 1st April 1952, the Superintendent of Police, Sargodha, wrote to the Superintendent of Police (A), C. I. D., demi-official letter No. 1922-SSS, informing him that the proceedings of the conference held on 24th and 25th March 1952, were covered by a C. I. D. Urdu stenographer, that no procession had been taken out at the termination of the meetings of the conference though some individuals had raised anti-Ahmadi slogans such as '*Mirzaeeat murdabad*', 'Zafrullah Khan *murdabad*', etc., when returning to their homes after the meeting, and that a procession was taken out by the Ahrar workers on 28th March after the Friday prayers, detailed report about which had already been sent to the D. I. G., C. I. D.

On 4th April 1952, which was a Friday, the Superintendent of Police sent the following memorandum to D. I. G., C.I.D., in continuation of his confidential memorandum of 28th March :—

> "2. I called Maulvi Abdullah Ahrari, Maulvi Jalal-ur-Rahman, Khatib of the Gol Chowk Mosque, and Maulvi Sami Ullah, son of Maulvi Muhammad Shafi, Khatib of the Jami Masjid, Sargodha, to my office on the 2nd of April and had a long talk with them. I advised them not to take out any anti-Ahmadi procession in the city as they would neither improve their religion nor damage the Ahmadiya sect by shouting publicly anti-Ahmadiyyat or anti-Zafrullah or anti-Mirza Mahmud Ahmad slogans but would only disturb the public peace and bring a bad name to their country and their Government in the eyes of the other countries of the world.
>
> "3. There was an apprehension that the Ahrar might again take out an anti-Ahmadi procession after the Friday prayers today and I made adequate police arrangements for patrolling in the city and also went to the city with enough armed police and patrolled the main bazars in police vehicles. Khan Abdul Hadi Khan, Additional District Magistrate, accompanied me as directed by the District Magistrate. The Ahrar took out no procession today.
>
> "4. If the Ahrar workers and their supporters behave peacefully and take out no more anti-Ahmadi processions I shall postpone taking any action against them under the security sections or under any other law for the time being. I shall, however, continue to watch the situation."

It seems that the report of the Superintendent of Police, dated 28th March, 1952, relating to the proceedings of the conference had also been seen by the Chief Minister sometime before 3rd April when Mr. Anwar Ali recorded the following note on the file:—

> "The speeches made at the Sargodha conference were recorded by a C. I. D. stenographer. They have been examined by the Prosecuting Branch. We are advised that they are not fit for forming the basis of a prosecution. They are, however, objectionable because they are designed to stir up hatred against the Ahmadis".

The only opinion of the Prosecuting Branch to be found on the file is the Prosecuting Inspector's opinion of 2nd April 1952, and it is not at all clear how and when a contrary opinion was subsequently expressed by the Prosecuting Branch. However, Mr. Anwar Ali suggested that if Government approved, all District Magistrates in the Province would be advised to remain alert and to ban the Ahrar conferences if they apprehended trouble. On this the Home Secretary remarked that action on the D. I. G., C. I. D.'s proposal for banning the Ahrar conferences was being taken separately.

On 17th April 1952, Mr. Anwar Ali noted on the case that the Chief Minister was going to Sargodha, that on his return the Superintendent of Police should be asked to come to Lahore with all the relevant papers and that the matter would then be discussed and proposals made to Government.

On 6th May 1952, Malik Habibullah, Superintendent of Police (B), noted that the Superintendent of Police, Sargodha, had already seen D. I. G., C. I. D., and I. G., probably on 21st or 22nd April, and that the proposals had been discussed.

As Mr. Lodhi's note on the file, dated 24th April 1952, would show, no action in the case was taken because the Superintendent of Police, Sargodha, had stated in his memorandum, dated 4th April 1952, that since the Ahrar had behaved themselves, he had decided to postpone taking action against them.

Dr. Hafiz Masood Ahmad, Secretary, Anjuman-i-Ahmadiya, Sargodha, complained of the behaviour of the Ahrar at Sargodha by telegrams to the Provincial and Central Governments. Some telegrams to a similar effect were also sent by him to the press. In the telegram to the Minister for the Interior it was alleged that at the conference Muhammad Ali Jullundri, Ata Ullah Shah Bukhari and other speakers had preached lawlessness and instigated the masses to finish the Ahmadis by force and get rid of Chaudhri Zafrullah Khan within a week, that they had described Chaudhri Zafrullah Khan as an enemy of Pakistan, worse than Khizar Hayat Khan Tiwana, that pledges to finish the Ahmadis were taken from the audience, that after the speeches a midnight procession of excited men was taken through different parts of the city, shouting slogans against Chaudhri Zafrullah Khan, the head of the Ahmadiya community and Ahmadiyyat, that the lives and properties of Ahmadis were in danger and that grave consequences were apprehended. The Ministry of the Interior sent this telegram to the Chief Secretary to the Punjab Government by its letter No. 44/1/51-Poll. (1), dated the 31st March 1952, with the request that a report about the said conference may be sent to that Ministry at an early date. When this telegram came to the notice of Mr. Anwar Ali, D. I. G,, C. I. D., on 5th April 1952, he strongly resented the Centre's interference with law and order which was an exclusively Provincial concern. He said :—

> "There is a tendency on the part of the Ministry of the Interior to call for reports on all and sundry matters. This unnecessarily increases work. The Central Government is not in a position to pass any orders and, therefore, all the energy spent in preparing reports purely for the information of the Central Government is wasted. * * * * * *
>
> * * * * * * * * *
>
> In this case the proper course for the Central Government should have been to transfer the telegram to the Provincial Government for necessary action. In the matter of law and order the Provincial Government is supreme. If reports are called, it will unnecessarily encourage the public to go over the head of the Provincial Government and to call for the interference of the Centre. * * * * * * * * *
>
> * * * * * * * * *
>
> As too many references have been made from the Centre of late it would perhaps be better to apprise C. S./H. C. M. with the situation and to obtain his orders".

In reply to the inquiry by the Central Government, however, a copy of the S. P.'s memorandum No. 385-87/C, dated 28th March 1952, was sent to that Government. Hafiz Masood Ahmad, however, sent another telegram on 29th March 1952 to the Minister for the Interior saying :—

> "As apprehended in our previous telegram after-effects of Ahrar conference appear. Processions of agitated mobs taken out again after Juma prayers. Highly provocative slogans shouted against the Ahmadis and their revered and most respected head of the community and the foreign Minister Pakistan. Creating hatred against the Ahmadis and the Government. Further trouble might arise. Effective check essential".

This telegram also was sent by the Central Government to the Chief Secretary to the Punjab Government for information and such action as might be considered necessary by the Provincial Government.

The proceedings of the Ahrar conference at Sargodha were published by the Shu'la of 28th March under the following captions :—

> "*Jab-tak* Sir Zafrullah *wazir-i-kharija hai* Kashmir Pakistan *ko nahin mil sakta*. (Maulana Muhammad Ali Jullundri, *bahawala taqrir* Allah Rakha Saghir).
>
> "Zafrullah Pakistan *ka wafadar nahin*. *Hukumat ki* machinery *ke purze* Mirza Mahmud *ki marzi ke mutabiq tabdil kiye jate hain*. (Maulana Muhammad Ali).
>
> "*Ham jan de-denge lekan nabi 'alai-hi's-salam ki nubuwwat par anch nahin ane den-ge*. (Amir-i-Shari'at).

> "*Alfaz ko qaim rakh kar uska mafhum badalne-wala zindiq hai aur zindiq* Islam *men wajibu'l-qatl hai. Har* Mirzai *hukumat ki* duty *ba'd men aur* Mirza Mahmud *ka hukm pehle manta hai. Hukumat ka har woh hukm jo* Mirza Mahmud *ki* policy *se takra-jai* Mirzai *mulazim us ki ta'mil nahin karta*. (Maulana Muhammad Ali)".
>
> (TRANSLATION)
>
> "So long as Sir Zafrullah is the foreign Minister, we cannot get Kashmir. (Maulana Muhammad Ali Jullundri, referring to the speech of Allah Rakha *Saghir*).
>
> Zafrullah is not loyal to Pakistan. Parts of the Government machinery are replaced in accordance with the wishes of Mirza Mahmud. (Maulana Muhammad Ali).
>
> We will give our lives, but will not let harm come to the prophethood of the Prophet, may peace be upon him. (Amir-i-Shari'at).
>
> He who keeps words, intact but misinterprets them is a heretic ; and a heretic in Islam deserves death. Every Mirzai complies with Mirza Mahmud's orders first and then performs his duty to the Government. A Mirzai public servant does not obey any order of the Government that clashes with the policy of Mirza Mahmud. (Maulana Muhammad Ali)".

The report stated that at the conclusion of the conference, 10,000 young men paraded the city shouting slogans such as "Down with Sir Zafrullah", "Down with Mirza Bashir Mahmud", "Zafrullah resign"; that if Government failed to pay immediate attention towards these *Dajjals*, responsibility for such failure would devolve upon the Government; that Chaudhri Zafrullah Khan had officially circulated his programme when on his return from Paris he came to attend the conference at Rabwah; that at Rabwah he received Government officials; that he charged the expenses of his journey to Rabwah to the public Exchequer; that he was disloyal to Government; that he had made a bargain to give Kashmir to India in exchange for Qadian; that people would be justified to create a situation which would force this *Dajjal* son of *Dajjal* and his followers to run away from Pakistan; that Mirza Bashir-ud-Din Mahmud was *Dajjal-i-Azam* and the Musailima Kazzab of 14th century; and that only one hundred thousand Muslim girls were detained by Hindustan but that if the Mirzais succeeded in their object, four hundred thousand girls will be dishonoured by them.

A deputation of some Ahmadis to represent against the proceedings of the conference and its report in the Shu'la waited on the Chief Secretary in the presence of the Home Secretary. The record of the proceedings that subsequently took place in this case is as follows :—

> "A deputation of four Ahmadi gentlemen including Sh. Bashir Ahmad, Advocate, waited on the Chief Secretary today to voice their grievances in

connection with the recent conference held at Sargodha by the Ahrar. I was present during the interview. Their complaint in short was that the trend of speeches delivered during the conference was highly objectionable and too vituperative and that one of the speakers had advocated the extermination of the Ahmadis by the Government on account of their being *zindiqs*. They also gave the attached two newspapers to C. S.

2. Will D. I. G., C. I. D., please put up for Government's information the report which he must have received from his staff at Sargodha? He should also kindly obtain the text of the speeches if a *verbatim* record thereof was made at the spot so that they can be examined to ascertain whether they are objectionable or not.

3. I might mention in this connection that the D. M. Sargodha had telephoned to me on Friday, March 21st, to say that the Ahrar were proposing to take out a procession in the course of which they would be shouting anti-Ahmadi slogans. He wanted to know as to what was the policy that Government desire to be adopted regarding such matters. I told him that the policy of the Government regarding the Ahrar-Ahmadi controversy had already been communicated to all the D. Cs. which he should look up and that in the light of that policy he should exercise his discretion. So far no report has been received from the D. C.

S. GHIAS-UD-DIN AHMAD— 1-4-52"

D. I. G., C. I. D. (U. O.),—No. 264-H-S., dated 2nd April 1962.

I dealt with this case yesterday which has been linked to this case.

2. It is true that the speeches which were made were highly provocative and objectionable. The Mirzais were described as *zindiqs* and they were otherwise ridiculed and opposed. Even the Foreign Minister was not spared and shouts of 'Sir Zafrullah *murdabad*' were raised. Under H. C. M.'s instructions the S. P. has been advised to take action under section 107/151 Criminal Procedure Code. The H. C. M. is not in favour of taking action under the Punjab Public Safety Act which the S. P. had also recommended.

3. The speeches were recorded in shorthand and according to the P. I. they are not actionable.

4. The article in the Shu'la is very objectionable. It not only attacks the Ahmadis but also contains uncalled for criticisms of the authorities. The editor of this paper, Abdur Rashid Ashk, is known to the C. I. D. He is, like many other Ahrar, a Congressite, He was detained under the Punjab Public Safety Act in 1947 because he was associating with political workers of the Indian Dominion.

5. It is my opinion that if this country is to progress on healthy lines political charlatans and jingoes, who endeavour to gain popularity by hurling abuse at each other and who make no contribution for the political advancement of the country, should be dealt with unsparingly. The Ahrar have a feeling that the Muslim League is at their back : otherwise their past is black and they would not have dared to step into the political field. They were stooges of the Congress and some of them are still loyal to that body. Habib-ur-Rahman, who is a well known Ahrar, left this Province after the Partition and went over to India. In their heart of hearts some of them are still disloyal to Pakistan. They are working outwardly on a religious platform not in order to serve their country but in order to retrieve their lost prestige. There are signs already that a section of the Ahrar led by Sheikh Husam-ud-Din wants to come into active politics and its members are contemplating the formation of a new party.

6. I have already proposed that District Magistrates should be advised in a circular letter to take a firm stand and to promulgate 144, Cr. P. C. if they have the least suspicion that the holding of an Ahrar meeting would promote sectional ill-will. Another thing we can do is to take action against the rag (Shu'la), which has shamefacedly publicised the evil attacks made against the Foreign Minister. It is the duty of the Government, as long as Sir Zafrullah Khan holds his office, to protect him from such malicious attacks. By abusing Sir Zafrullah Khan the Ahrar do not attack an individual but defame the Government to which he belongs—of which, in fact, he is a part.

7. The Ahrar are clever speakers and they take good care not to attract the law. It is not possible in this case to prosecute them for spreading sectional discord, under section 153-A., P.P.C. In my opinion their activities are such that there is full justification for taking action against one or two prominent ones under the P. P. S. A.

8. Two telegrams have been received from the Ahmadis protesting against the conduct of the Ahrar.

(Sd.) M. ANWAR ALI—4.4.52

I.G.
——U. O.—No. 216.BDSB, dated 5.4.52.
H.S.

The Ahrar are a problem. They are not anti-Government or out directly to disturb the law and order. Personally I think they are quiet only because they are not strong enough to be able to achieve much if they did oppose the administration. But I have not the least doubt in my mind that the moment they are in a position to gather a sufficient number of people behind them they would raise their head and would not hesitate to do anything to be a source of trouble. They are men of no importance. They have no following and no programme but they are ambitious. And their ambition has frequently been titillated by various political parties particularly by the Muslim League I am told. They are, therefore, waiting that some day, even if not by their own merit, by the foolishness of other people they would come into prominence. For that day they are keeping this fire of anti-Ahmadi feeling burning. if this fire extinguishes the Ahrar would be left with nothing to attract any one to their party. This is their only hope. They must, therefore, go on with it. They are not concerned and are not interested in Pakistan or the importance of maintaining unity amongst its people. Some one else will have to decide some time how to deal with this problem. It is now definitely becoming a menace. Sufficient rope has been given to the Ahrar. On behalf of Government I was also commissioned once to talk to them. I held a meeting with Sh. Husam-ud-Din. A note of that meeting and agreement arrived at must be in the Secretariat. He promised that the party would not in future indulge in anti-Ahmadi propaganda but they have done so on every possible occasion. The Ahmadis are no lambs either. They aye lying low and do not retaliate because they are aware of their numerical weakness. But there is a limit to every one’s patience. And in any case Government’s own duty is very clear. How long are they going to permit this sort of cruel provocation. It is now almost persecution of the Ahmadis by the Ahrar. What the C. I. D. must however tell us is (*a*) what exactly can be done apart from the Safety Act, (*b*) what is the total strength of Ahrar and (*c*) how far would they be prepared to oppose or defy Government and what would be the general reaction if the question of Ahmadis is made an issue. Without some such data no firm decisions can be taken and a circular letter to D. Cs. without something definite does sot prove of much avail nowadays.

H. S. (Sd.) QURBAN ALI

The Ahrar-Ahmadi controversy, if it can be called by that name, is assuming alarming proportions. The Ahrar are mainly to blame for the trouble they have stirred up in this Province. The Ahmadis, as characterised by the I. G. P. are ‘no lambs’ but they have adopted their stubborn attitude only to preserve themselves as a community. If they were to take the attacks and onslaughts made on them by the Ahrar complacently they would be finished as a body in no time. Also, their stubbornness is mainly confined to the sphere of religion. It is a matter purely for themselves if they do not let the members of other Islamic sects participate in their ritual or they themselves scrupulously avoid taking part in the prayers and other religious ceremonies of the non-Ahmadi Muslims. It is, however, the duty of the Government to see that this controversy which is based on religion does not threaten the peace and order of the country.

2. I agree with the I. G. P. that Government should have something more concrete before them than what is available in the noting on this file before they can revise the policy which is being pursued at present and which was enunciated only recently (*vide* C. S's circular letter No. 7505-HG-51/76135, dated November 3, 1951). Actually the existing policy need not be reorientated to meet the situation. What is needed is its firm implementation.

3. C. S. may please see at this stage. I think the case should be submitted to H. C. M. when the proposals have taken a more crystallized shape.

(Sd.) GHIAS-UD-DIN AHMAD — 8.4.52

C.S.

I AGREE.

(Sd.) H. A. MAJID — 9.4.52"

With a view to replying to the inquiry made by Mr. Qurban Ali Khan, the case was examined on 3rd May 1952, by Mr. Muhammad Khuda Bakhsh, S. P. (B), C. I. D., Punjab, who recorded the following exhaustive note on the activities of the Ahrar:—

"The Ahrar have almost regained the influence among the Muslim masses of the Punjab which they had lost by their opposition to the creation of Pakistan. This has been possible by their identifying themselves politically with the Muslim League and by an extensive anti-Mirzaeeat campaign. The former brought them support from that popular ruling organisation and the latter won them the goodwill of the general Muslim public who always takes pleasure in satire against the cult of new prophethood in Islam.

2. A list of the branches of the Majlis-i-Ahrar, which have since opened in the Province and annually subscribe to the Centre is appended. The number of uniformed *razakars* so far registered is reported to be 1,064. But the 'fifth-column' lies among the *maulvis* and *pesh imams* and fanatics who consider it a merit to keep the religious controversies alive from their individual quarters and pulpits. The Ahrar leaders are kept invited and entertained by them almost constantly at one or other comer of the country. And greater the virulence of their professional speeches against the 'Mirzais' the larger is the collection of *chanda*. The *majlis* has become financially sound and been able to produce rich patrons of whom the names of the following are taken as more liberate:—

(1) Nawabzada Nasrullah Khan, M. L. A., of Khan Garh, District Muzaffargarh.
(2) Haji Din Muhammad of Badami Bagh, Lahore (Millowner).
(3) Mian Qamar Din, Rais of Ichhra,, Lahore.
(4) Rana Ghulam Sabir, M. L. A., Okara.

The Ahrar are more influential at present in districts of Lyallpur. Sialkot, Sargodha, Rawalpindi, Gujranwala, Montgomery, Multan and Muzaffargarh and at Okara, Chiniot and Gujar Khan.

3. As regards suggestions for effective measures against this sectarian menace, I am of the opinion as follows:—

(*a*) The Muslim League should completely wash their hands off this movement. Their M. L. As. and office-bearers should not only not preside over the Ahrar meetings but should give clear indication to the public by their attitude that they do not want to help the Ahrar in any way. Unfortunately the trend of mind of the general Muslim public has so far gone against the Ahmadis that the workers of the Muslim League are sometimes forced to find security of their public influence in openly sharing these sentiments of the people. The fact that no Ahmadi was returned to the Assembly in spite of Muslim League tickets is attributed to the hold of the Ahrar speakers on the public.

(*b*) The Ahrar conference, though designated in the name of Defence, should be banned under section 144, Criminal Procedure Code.

(*c*) Arrangements should be made preferably through influential members of the Muslim League of the locality that public places are not lent to the Ahrar for meetings.

(*d*) Notices should be served on the more violent Ahrar speakers like Ala Ullah Shah Bukhari, Maulvi Muhammad Ali Jullundri, Qazi Ehsan Ahmad Shujabadi and Sahibzada Faiz-ul-Hasan that while speaking against Ahmadiyyat they should strictly remain within the religious limits of the controversy and not say anything capable of exciting hatred and the patriotic sentiments of the other citizens of Pakistan against the community. After all if any person or class of persons was engaged in activities calculated to harm the security of the State the matter essentially called for a report to the authorities for legal action and not for inciting the public for taking the law into their own hands.

(*e*) Action can always be taken with deterrence under section 107, Cr. P. C. by local Magistrates against the Ahrar speakers and their local hosts, particularly the *maulvis* and *pesh-imams* inviting them to speak from their mosques.

(*f*) In my opinion, action should not be spared even under the PPSA in worst cases, e.g., where abuses are hurled and mock funerals taken out for the Honourable Minister for Foreign Affairs and cases of repeated defiance of law and maligning the Government. Warnings have repeatedly proved ineffective. The Ahrar should be made to realise that the authorities this time mean business. At present they seem to be under the impression that Musalmans, whether district officers or ordinary commoners, actively

> sympathise with their professed, mission of the safeguard of finality of prophethood (*tahaffuz-i-khatm-i-nubuwwat*). They can cite at least four instances of District and Additional District Magistrates presiding over their conferences in the past year."

In the light of the views expressed by the officers who had the occasion to note on the case the matter was discussed on 19th May in a meeting of the Home Secretary, the I. G. P. and the D. I. G., C. I. D. After the meeting the D. I. G., C. I. D., wrote the following note summing up the history of the Ahrar and suggesting certain action against them:—

> "Government has been apprised from time to time about the serious threat to public peace which must inevitably result from Ahmadi baiting advocated by the Majlis-i-Ahrar. For facility of reference the particulars of these notes are given below:—
>
> (1) Note dated 17th January 1950, in which, a suggestion was made that a warning should be administered to the Ahrar leaders. No action was taken on the note.
>
> (2) Note dated 3rd February 1950, in which the objectionable propaganda carried out in the course of a conference at Multan was brought to the notice of the Government. The late Governor spoke to Qazi Ehsan Ahmad Shujabadi and Maulvi Ghulam Ghaus Sarhaddi.
>
> (3) Note dated 23rd May 1950, in which a suggestion was made that Master Taj-ud-Din and other Ahrar leaders should be sent for and warned. Government asked C. S. to administer a warning.
>
> (4) Note dated 28th May 1950, in which it was stated that the atmosphere created by the Ahrar would inevitably lead to outbreak of violence against the Ahmadis and was also otherwise dangerous. Certain concrete suggestions for dealing with the menace were also made. Government, however, decided only to warn the leaders.
>
> (5) Note dated 4th April 1952, in which the dangers of the Ahrar movement were pointed out *vis-a-vis* the activities of the Ahrar at Sargodha. Government wanted more definite proposals to be made.
>
> 2. For a proper understanding of the case it is necessary to re-capitulate the objectionable incidents which have resulted from the reckless and exciting speeches made by Ahrar workers. These incidents are briefly as follows:—
>
> (1) *Okara—October*, 1950—Ahmadi preachers were waylaid and their faces blackened. An Ahmadi schoolmaster was killed as a result of the tense atmosphere created by Ahrar speakers.

(2) *Rawalpindi—October*, 1950—An Ahmadi was killed as a result of hatred spread against the community although the immediate cause was different.

(3) *Sialkot—January*, 1951—An effort was made by the Ahrar to break up an Ahmadi meeting. The arrival of the police saved casualties.

(4) *Chak Jhumra—February*, 1951—At the railway station as a result of Ahrar violence, a man (son of Maulvi Ismat Ullah, who is an Ahmadi) was stabbed by Ahrar workers.

(5) *Gujranwala—March*, 1951—An Ahmadi shopkeeper was attacked when he objected, to the raising of slogans against Mirza Ghulam Ahmad. The police saved him from violence.

(6) *Lyallpur—April*, 1951—Following a threat held out by Ghulam Nabi Janbaz an Ahmadi shopkeeper was attacked.

(7) *Samundri—May*, 1951—An Ahmadi mosque was burnt by a mob led by Ahrar workers.

(8) *Lyallpur—November*, 1951—An Ahmadi meeting disturbed by Ahrar workers resulting in casualties on both aides. Police intervention checked further trouble.

(9) *Multan—November*, 1951—Fifty Ahrar attempted to break up an Ahmadi meeting. The arrival of the police prevented further trouble.

(10) *Sargodha—March*, 1952—Following an Ahrar Conference a procession was taken out in defiance of police orders. The processionsists were beating their breasts and shouting 'Zafrullah *hai hai*'.

(11) *Rawalpindi—April*, 1952—After hearing the provocative and exciting speeches at an Ahrar meeting a youth got up and shouted 'Zafrullah Mirzai *ko hataya jawe*' — 'Wazir Zafrullah, *ko qatl kiya jawe*, *mar diya jawe*'. Ata Ullah Shah Bukhari, who was addressing the meeting, after the shouting of the slogans by the youth, exhorted the audience to take out a procession and to press for the dissolution of the 'Zafri *wazarat*'.

(12) *Gujranwala—April*, 1952—Ahrar workers organised a procession in which two mock funerals of Sir Zafrullah Khan were taken out and slogans, such as 'Zafrullah *puttar chor da*, *na'ara maro zor da*' were shouted.

(13) *Lyallpur—May*, 1952—Ata Ullah Shah Bukhari addressing a meeting said that anti-Ahmadi demonstrations would be staged on a large scale and would not be confined to places such as Lyallpur but also in Lahore and Karachi. A procession was also taken out. (His voice was almost prophetic because on the I8th May, i.e., a week after his claim violent demonstrations resulting in riots took place at Karachi.

(14) According to a letter which has come to my notice paradise has been promised to the person who will cut the throat of Sir Zafrullah Khan.

I have mentioned above only important incidents resulting in attacks and breach of peace arising from Ahrar truculence. Innumerable meetings have been held in which hatred against the Ahmadis has been openly advocated. Public mind has been poisoned. Ahrar leaders who were afraid of facing crowds after the Partition, have since become heroes. Sayyad Ata Ullah Shah Bukhari lived in seclusion at a remote village of Muzaffargarh district for nearly two years and declined to accept invitations for addressing public meetings. He now commonly addresses meetings all over the Province and is no longer on the defensive. His eloquence and loquaciousness have once again built around him a halo of importance. Muhammad Ali Jullundri, Ehsan Ahmad Shujabadi and Sahibzada Faiz-ul-Hasan are prominent among those who have been consistently making poisonous speeches against the Ahmadis.

4. Warnings to Ahrar leaders have been administered in turn by His Excellency the Governor, the Chief Secretary and the Inspector-General of Police. These warnings have had no effect; in fact it is obvious that the speakers are becoming more aggressive.

5. At one time Ahrar leaders were giving out that they had made up with the high-ups of the Muslim League and that they had nothing to fear even in spite of the fact that their speeches fell under the provisions of the ordinary law.

6. The Majlis-i-Ahrar has its headquarters at Lahore. It is without substantial finances and special levies are made for conferences. The last appeal for funds only brought Rs. 500. The following four persons regularly contribute to the funds:—

(1) Nawabzada Nasrullah Khan of Muzaffargarh.
(2) Haji Din Muhammad, Millowner of Badami Bagh.
(3) Mian Qamar Din, Rais of Ichhra.
(4) Rana Ghulam Sabir, M. L. A. of Okara.

7. The Ahrar have a volunteer organisation which has a member-ship of 1,064 persons throughout the Province. At the time of Partition the membership had shrunk as several volunteers resigned from the organisation. The membership was larger at one time. The party is at the moment only concerned in doing venomous propaganda against the Ahmadis. Lately demands have been made, in rather an objectionable way, for the removal of Sir Zafrullah Khan. The Chief demand is that the Ahmadis be declared a minority community.

8. The Ahrar have a party paper—'Azad' which is published thrice a week. It has a small circulation. Its editor is Dr. Sabir Multani.

9. The elections of the All Pakistan Majlis-i-Ahrar have not been held since 1947. The Punjab elections were held in November 1951 at Okara with the following result:—

President	..	Qazi Ehsan Ahmad Shujabadi.
Vice-President	..	Maulvi Abdur Rahman Mianvi.
General Secretary	..	Maulvi Muhammad Ali Jullundri.
Secretary	..	Mehr Abdur Rahim Jhelumi.
Treasurer	..	Muhammad Shafi.
Salar-i-Suba	..	Chaudhri Meraj Din.

10. It will be recalled that immediately after the Partition the Ahrar leaders were flirting with (General) Shah Nawaz of the I. N. A. who later shifted to India. A prominent member of the Majlis-i-Ahrar of the united Punjab, namely, Habib-ur-Rahman, shifted to India, One Parbodh Chandar who later became an M. L. A. and was a prominent Congress worker, handed over his hotel on the McLeod Road (Vira Hotel) to Agha Shorish Kashmiri and Nawabzada Nasrullah Khan Shorish resigned from the Majlis-i-Ahrar in 1948. He was previously a member of the Working Committee.

11. There is already a group amongst the Ahrar which favours collaboration with the opposition parties. This group is led by Sheikh Husam-ud-Din. Master Taj-ud-Din Ansari, however, has been counselling moderation, and is opposed to an open breach with the Muslim League at this stage. So far Master Taj-ud-Din’s party is stronger. There is no doubt that when the Ahrar find that they have sufficiently rehabilitated themselves with the public they may openly break with the Muslim League and set up an independent party.

12. As pointed out above the mischievous speeches made by Ahrar workers have already resulted in a large number of incidents of breach of peace and physical violence. The latest incident at Karachi is a pointer to what can happen if the activities of the Ahrar are allowed to go uncurbed. Moreover, it must be appreciated that if the Ahrar are allowed to gather strength and popular favour it will become more difficult to take action against them. They are no longer suspect as they were at the time of Partition.

13. The above situation was discussed with I. G. Police and Home Secretary yesterday and the following recommendations are made for the consideration of Government :

(*a*) The Majlis-i-Ahrar should be declared an unlawful association under section 16 of the Criminal Law (Amendment) Act. (This suggestion was made by me as early as May l950).

(*b*) The following prominent workers should be arrested and detained under the Public Safety Act:—

1. Sayyed Ata Ullah Shah Bukhari.
2. Qazi Ehsan Ahmad Shujabadi.
3. Muhammad All Jullundri.

Against Ata Ullah Shah Bukhari the material is very strong because his declaration at Lyallpur seems to indicate that the happenings at Karachi were within his knowledge.

(*c*) In case detention is not considered advisable, the above three leaders should be restricted to their home villages.

After all Ata Ullah Shah Bukhari lived of his own choice for two years in a village of the Muzaffargarh district. Muhammad Ali Jullundri (who is a refugee and has since settled in the Multan district) and Qazi Ehsan Ahmad Shujabadi will have to be restricted in that case in the Multan district.

(*d*) In case it is not considered advisable to declare the Majlis-i-Ahrar as an unlawful association, its meetings at any rate for the next year or two, should be banned by orders under section 144, Cr. P. C.

14. At the meeting it was decided that it would be necessary to apprise the Central Government of what we propose to do in order to ensure uniformity of action. The Central Government should co-operate and ensure that similar action is taken in other Provinces of Pakistan. It will be meaningless if certain bans are imposed on the activities of Ahrar in one Province only. We were also of the opinion that in case the Central Government does not propose to take action on the above lines, it would not perhaps be advisable for the Punjab Government to do so unilaterally.

15. In case Government agree with the above views a suitable draft for C.S.'s approval will be put up."

This note was placed before Mr. Qurban Ali Khan, Inspector-General of Police, whose comments on it, which are reproduced below, deserve special notice :—

"I do not know how long will we remain at the stage of writing notes informing Government what the Ahrar are doing and what should be expected of them if they are not checked in time. The Ahrar have already done enough to show without any doubt, which way the wind is blowing in their camp. I am for one convinced in my mind that if Government continues with its present policy of leaving the Ahrar alone, the Ahrar will sooner or later perpetrate some such horrible crime that Government would find itself in a difficult position to explain their failure to take action upon what the C.I.D. has been, repeatedly and vehemently reporting to them.

It is a difficult decision to take, I know, but some one has to take it. The Central Government is not likely to share the responsibility of getting involved in a matter which has the remotest chance of raising another opposition especially on an issue which may be exploited as a religious all-Muslims *versus* Ahmadis issue. There is a possibility of that, In fact the moment Ahrar are touched, they will make that an issue. But some Government somewhere must give the masses a correct lead. If every party is afraid that the Ahrar will join hands with the opposition no one will even be able to maintain the law and order. And in fact the Ahrar are to-day no power. Tomorrow they may become one. No sensible person can support their policy of violence. If Government is convinced that the conduct of the Ahrar calls for action, to-day is, I submit, the most opportune time to take it. Before H.C.M. leaves for Murree it may be worthwhile to call a meeting of the Honourable Ministers, C.S., H.S., D.I.G., C.I.D. and the I.G."

A meeting of officers was called by the Chief Minister on May 25, 1952, to consider the proposals. Though Mr. Qurban Ali Khan had suggested that Ministers should be called to the meeting, this proposal did not find favour with the Chief Minister and none of the Ministers was summoned. It was decided in the meeting that the existing directive which left with the District Magistrates the discretion to ban meetings sponsored by the Ahrar or the Ahmadis was unsatisfactory, and that the District Magistrates should now be directed that whenever either party intended to hold a meeting, they should invariably ban it under section 144 of the Code of Criminal Procedure. Therefore, on 5th June the Chief Secretary issued the following D. O. Circular to all District Magistrates:—

"Dear Sir,

I am directed to address you in continuation of the Home Secretary's demi-official letter No. 10027-51/463-HG., dated December 24, 1951, addressed to all the Deputy Commissioners on the subject cited above.

2. Government have noticed with concern that the Ahrar-Ahmadiya controversy instead of abating has now increased to an extent which if not checked immediately and firmly will constitute a real threat to the public peace. The trend of speeches delivered at the Ahrar conferences is generally marked by a deplorable lack of self-restraint and healthy tone. The speeches made recently by some of their leaders were particularly inflammatory. On the other hand the Ahmadiya community, in spite of the undisguised hostility of a section of the public or probably because of it, insist on holding their *tablighi* conferences frequently and in public. This attitude only succeeds in provoking fresh outbursts against themselves. After careful consideration, Government have decided that in the general interest of the public peace and tranquillity, neither the Ahrar nor the Ahmadis should be permitted to hold public meetings under any name or garb. You should, therefore, take preventive action under section 144, Cr.

> P.C., whenever either party intends to hold a public meeting. This directive supersedes the one referred to above which left the discretion, for taking preventive action with the Deputy Commissioners. Now preventive action will be taken regarding Ahrar/Ahmadi meetings invariably and without any exceptions until these orders are modified or withdrawn. The action taken by you and the reactions thereto should in all cases be reported to Government, as early as possible, for their information."

When action was taken by the District Magistrates on this directive, the Ahrar resorted to a clever stratagem. They shifted the venue of their meetings from public places to mosques where they began to attract large gatherings, particularly before or after Friday prayers. This new situation was reviewed in a meeting of the I.G.P., D.I.G., C.I.D., the Home Secretary and the Legal Remembrancer on 19th June 1952. As a result of the decisions taken in this meeting the following instructions were signalled on 19th June 1952, to all District Magistrates and Commissioners after they had been seen and approved by the Chief Secretary :—

> "It has been reported to Government that Ahrar want to hold anti-Ahmadi meetings in mosques immediately preceding or after the Juma-tul-wida prayers, because they think that such meetings are not liable to be banned by District Magistrates. If the Ahrar contemplate doing so within your district, you should immediately pass an appropriate order under section 144, Cr. P.C. banning public meetings on the day without making any mention of the venue of the meeting. You should then send for the *imam* and the persons connected with the management of the mosque and impress upon them that they should not become a party to this violation of your order and the desecration of a place of worship in the furtherance of the activities of a political party. It should be made clear to them that in the event of an infringement of your order you will not hesitate from prosecuting the persons connected with the management of the mosque for their abetment of the offence as well as the actual sponsors and other moving spirits of the meeting including the speakers. Government are aware that a public meeting may be dovetailed into a prayer congregation or that the complexion of an assemblage gathered for prayers may change into that of a public meeting by the tone and trend of speeches just before or after the prayers or the *khutba*. But Government are advised that such facts will not afford any legal protection to those responsible for the meetings from the consequences of a violation of your order. A *Gazette Extraordinary* is under issue today notifying the violation of orders under section 144, Cr. C.P. banning public meetings as non-bailable and cognizable offences. You will receive copies thereof in due course: meanwhile you should proceed on this basis. Government will also send you shortly a model order under section 144, Cr. P.C. for issue by you on such occasions. Lastly it should be noted carefully that Government do not desire any public meetings which are being held in mosques or other

> places of sanctity or worship to be dispersed by force or to be interfered with in any way while they are in progress. Nor do they desire that any arrests should be made while people are collecting for or dispersing from such meetings. The proper course to follow would be that a case should be registered and the culprits should be arrested after the excitement of the meeting is over at an appropriate time and place. The cases registered should be prosecuted vigorously. You and your Superintendent of Police should remain present at headquarters on Friday and also at the time selected for effecting arrests, if any."

Simultaneously an Ordinance was promulgated in a *Gazette Extraordinary* declaring the violation of orders, passed under section 144, Criminal Procedure Code, banning public meetings, a non-bailable and cognizable offence.

At a meeting held by the Chief Minister with the Chief Secretary, the Home Secretary, I.G.P., and D.I.G., C.I.D., on 27th June 1952, it was decided to issue the following D. O. Circular to all District Magistrates, with a view to isolating the Ahrar :—

"*Confidential*.

D. O. No. 176-St. (HS)/52,
Punjab Civil Secretariat,
Home Department, Lahore.
28th June 1952

Dear Sir,

> I AM desired to address you in continuation of the Chief Secretary's wireless message No. 168-St(HS)/52, dated June 19, 1952, on the subject of the Ahrar-Ahmadiya controversy and to say that Government desire that if your order under section 144, Cr. P.C. has been violated by the Ahrar you should proceed only against the prominent members of the Ahrar leadership who may be among the offenders and ignore others of lesser importance or those who do not belong to the Ahrar party. Local persons should be particularly left out unless they belong to the hierarchy of the Ahrar organisation. The intention is that we should isolate the Ahrar leaders from the rest of the public. If we throw our net wider and draw in people of other denominations also simply because they were somehow or the other prevailed upon or inveigled into participation in their meetings by the Ahrar we shall only succeed in arraying a vast section of the public against the administration. By taking action against people who in the excitement of the moment allowed themselves to be made use of by the Ahrar leaders, in some cases quite unwittingly and inadvertently, we shall force them to joining hands with the Ahrar. If any of these people feel repentant and offer apologies you should accept them readily. In the case of such people even if they do not apologise cases should not be instituted against them or if they have already been instituted they should be withdrawn forth-with. When the public see that only the more important and prominent Ahrar leaders are being proceeded against their

opinion will immediately veer round to the side of Government and the action taken by its functionaries will meet with general approbation.

2. The cases that you may institute against the Ahrar for the violation of your orders will be very hotly contested and pursued with keen interest in press and public. The object desired by Government as well as the justification and the correctness of your action will depend on their success. You should, therefore, get them thoroughly examined by your law officers from the point of law as well as fact before instituting them in Courts.

I am,

Your sincerely,

(Sd.) GHIAS-UD-DIN AHMAD"

SECTION 144 ORDERS ENFORCED AGAINST PUBLIC MEETINGS IN MOSQUES: SARGODHA AND GUJRANWALA CASES

Orders issued by District Magistrates in pursuance of the directions given by the Provincial Government were enforced in certain places by the prosecution of the offenders.

On 12th June 1952, the Ahrar announced that a public meeting would be held at 8 o'clock on the morning of the following day, which was a Friday, in Municipal Park, Sargodha. The District Magistrate banned the meeting by an order under section 144 of the Code of Criminal Procedure, promulgated in pursuance of the policy laid down by the Government in the letter of 5th June 1952. Thereupon the Ahrar made another public announcement that the meeting would be held on the date fixed in the Juma mosque. But the District Magistrate lost no time in having it proclaimed that his order under section 144 was equally applicable to public meetings in mosques and that the holding of the proposed, meeting would be a contravention of that order. The meeting was, however, held at 10 o'clock and was presided over by Sheikh Husam-ud-Din. Speeches of the usual type against the Ahmadis were made by Master Taj-ud-Din Ansari, the President, and Sheikh Husam-ud-Din, the General Secretary, of Majlis-i-Ahrar-i-Pakistan, and Muhammad Abdullah, the President of the District Majlis-i-Ahrar, Sargodha, and slogans "Zafrullah *murdabad*," "*Mirzaeeat murdabad*", etc., were raised while the meeting was in progress. Mian Muhammad Ishaq, the Magistrate on duty, warned the audience and the organisers of the meeting that their act in attending the meeting was contrary to law, but nobody heeded him and the meeting continued till 11-45 a.m. For this contravention of the order under section 144, Master Taj-ud-Din Ansari, Sheikh Husam-ud-Din and Muhammad Abdullah were prosecuted in the Court of the Additional District Magistrate, who by his order, dated 14th July 1952, convicted them under section 143 and sentenced them to six months' rigorous imprisonment each. On the basis of the same incident, two separate complaints were also field by the District Magistrate in the Court of the Additional District Magistrate under section 188 of the Pakistan Penal Code. These complaints came up for hearing on 14th July 1952 when the Prosecuting Sub-Inspector made a statement withdrawing the cases under the instructions of the District Magistrate.

The next contravention of an order under section 144 occurred when a public meeting was held in Juma Masjid, Sheranwala Bagh, Gujranwala, after Friday prayers on 20th June 1952. This meeting had been announced a day earlier by means of printed posters and loudspeakers in the streets of the town. While the *khutba* was going on, Muhammad Amin, General Secretary, Majlis-i-Ahrar, announced that Master Taj-ud-Din Ansari and Sheikh Husam-ud-Din, who had come from Lahore, would speak at the meeting. The meeting began after the prayers when several people had gone away. It was presided over by Sahibzada Faiz-ul-Hasan and the proceedings started with such slogans as "*Mirzaeeat murdabad*", "Zafrullah *ko hata do*", "*Mirzaioon ko aqaliyyat qarar do*", and two resolutions were passed. Nine different persons, including Master Taj-ud-Din Ansari, Sheikh Husam-ud-Din and Sahibzada Faiz-ul-Hasan, were prosecuted for this violation, but on 16th July 1952, when the cases came up for hearing, the prosecuting officer made a statement withdrawing the cases under the orders of the District Magistrate. The prayer was granted and the accused were all acquitted the same day,

The Ahrar now began to confound the issue by making it a grievance that for purely religious activities inside the mosques the worshippers were being arrested and prosecuted and that the Government was thus encroaching on people's religious beliefs and observances. The amusing case mentioned below is illustrative of the propaganda that began to be carried on against Government.

One Maulvi Muhammad Shafi, *khatib* of Jami' mosque, Sargodha, together with certain other persons, was arrested for an offence under section 143 for having defied an order of the District Magistrate under section 144. He offered bail and was released. He, however, took advantage of his release by making a virulent speech in the form of a *khutba* in Idgah, Sargodha, on 24th June 1952. He asserted in that speech that Mirza Ghulam Ahmad, who claimed to be a prophet, was a *kafir* together with those who believed in him, that his claim to prophethood was false, that false prophets had been killed in the past, that Government should declare whether the Government in Pakistan was Islamic or non-Islamic, that if it was an Islamic Government, Muslims had the right to discuss religious matters in mosques but that if it was not an Islamic Government, Muslims shall stop discussing such matters in mosques and in that case mosques will have to be closed down. He went on to announce that he had nothing to do with politics but that so far as his religious beliefs were concerned, he shall not refrain from saying things which pertained to religion. We are mentioning this case not because it has any importance of its own, but because of the ostensibly plausible argument employed to establish an unqualified right to do whatever the Ahrar liked in a mosque in the garb of religion and also because of the ludicrous position in which it put the prosecution and of the subsequent secretariat noting in which the real issue arising from the application of section 144 to mosques was brought out. Maulvi Muhammad Shafi was already on bail in another case of breach of section 144 order when he made the speech mentioned above.

Because of that speech, he was arrested for a fresh offence but he gave bail and was again released. It appears that under a direction of the Majlis-i-Ahrar at this stage persons accused of breaches of section 144 orders by making speeches in mosques were to prefer jail to bail, and in pursuance of this direction Maulvi Muhammad Shafi appeared before the Magistrate and had his bail cancelled. In the case of *maulvis* of the type of Muhammad Shafi, who was not a prominent member of the Ahrar, the policy of the Government was that they should be released if they apologised; but this *maulvi* would neither apologise nor give bail. When Mr. Qurban Ali Khan was consulted about the embarrassing position that had arisen by the extension of section 144 orders to mosques, he brought out the precise issue which the Government had to face when he remarked in his note of 2nd July that unless it was conceded that a mosque was a sanctuary for those who defied the law, the Government could not absolve itself of the responsibility to see that the law of the land was enforced.

Having come across two posters expressing resentment over the application of section 144 to mosques and announcing a public meeting in the Barkat Ali Muhammadan Hall on 13th July to consider the situation arising therefrom, Mr. Anwar Ali on 3rd July 1952 wrote a note complaining that much mischievous propaganda was being done by the Ahrar and their friends against Government, that it was being given out that section 144 had been applied to mosques and the right to worship abrogated and that unless something on a big scale were done by the Public Relations Department to check this propaganda, popular ill-will against the Government would be the natural result. Mr. Qurban Ali Khan agreed with this, remarking that the Director of Public Relations was their only source. The Home Secretary expressed himself as follows on 4th July 1952:—

> "2. I think it has become imperative now that we should intensify our propaganda because otherwise we shall lose our case by default. It has become very necessary that the man in the street should be told again and again what we have really done and the reasons for our various actions.
>
> 3. I sent for the D. P. R. this morning and told him to accelerate his machinery and flood the Province with propaganda material. I impressed upon him that one or two press notes will not meet the situation because the Ahrar have maneuvered to confuse the issue in order to enlist popular support.
>
> 4. As desired by H. C. M., I spoke to Maulana Akhtar Ali Khan and the editors of his group on July 1st and explained the whole situation to them and answered all the questions which they could think of for dispelling their apprehensions and misgivings. They went back completely satisfied but I am sorry to say that with the exception of one paper they did not express approbation of Government's action even in a mild form. I again spoke to Maulana Akhtar Ali Khan yesterday as desired by H. C. M. on the telephone and after having been convinced once again about the *bona fides* of whatever we have done he has virtually upheld in today's paper all

> that the Ahrar have been saying. The other papers of his group have done likewise (relevant cuttings from these papers are placed below). Messrs. Hamid Nizami and Mazhar Ali Khan were also called by me yesterday. I made it clear to them from the very out-set that my intention in calling them was only to explain the whole position to them and nothing else and that they were quite free to put their own interpretation on what I told them. They both considered, that whatever this Government had done was worthy of popular support and calculated to strengthen the integrity of the country. Mr. Hamid Nizami, however, said that he feared if he were to say so in his organ, the newspapers favoured by the Government as well as the Muslim League would be the first to denounce him as an Ahmadi for increasing their own circulation. He also said that the very purpose for which curbing action was being taken against the Ahrar would be defeated unless the newspapers also co-operated with Government and did not help in the spread of the virus through their columns. Mr. Mazhar Ali Khan said that the root cause of this trouble was that Government had themselves made religion their source of slogans and strength. He added that if one group could exploit religion how could the others be denied its use for furthering their own ends.
>
> 5. A conference of D. Ms. who are mainly concerned in this matter has been called for tomorrow after which a directive will be issued to all the D. Ms. for organising field publicity in their districts for which the D. P. R. will give them the necessary help and guidance. Other recommendations formulated at this conference will be submitted to H. C. M. immediately for his orders."

The Home Secretary had called and addressed some newspaper editors on 1st and 3rd July also with a view to explaining to them how it had become necessary for Government to ban public meetings in mosques organised by the Ahrar and seeking their co-operation. He thought he had succeeded in clarifying the position but to his disappointment he discovered only a few days later that his optimism was misplaced and that in entertaining a feeling of satisfaction he had not taken into account the lack of conscience in many of the newspaper men.

It was at this stage that the Ahrar enlisted the support of the *ulama* by calling a convention of all Muslim parties at Lahore on 13th July 1952 and giving out that the doctrine of *khatm-i-nubuwwat* had become a general issue for all creeds and sects of Muslims. To consider the situation arising from a announcement of this Convention a conference of District Magistrates of all important districts was held on 5th July 1952, which was presided over by the Chief Secretary and attended by the Home Secretary, Inspector-General of Police, D. I. G., G. I. D., and the Director of Public Relations. This conference took the following decisions:—

"(1) The orders under section 144, Criminal Procedure Code, should be amended wherever necessary so as to make them applicable specifically to the public meetings organised by the Ahrar or the Ahmadis only without making any mention of the venue of the meeting. The model order promised by Government would be sent to the District Magistrates as early as possible but District Magistrates concerned need not defer the issue of revised orders to await the receipt of the Government draft.

(2) If any members of the Ahrar party or the Ahmadiya community deliver violent or inflammatory speeches at any public meeting not organised by their respective organisation a reference should be made to Government for action under section 153, P. P. O. or the Public Safety Act. Pending the receipt of Government orders the culprits should not be arrested unless it is considered to be absolutely necessary.

(3) No action should be taken to disperse meetings organised by the Ahrar or the Ahmadis even outside mosques unless it becomes an imperative necessity to do so for the maintenance of law and order. Meetings being held in mosques are in no case to be interfered with in any way and action should be taken regarding all meetings whether held inside a place of worship or in other public places by the registration of regular cases against the prominent loaders of the two groups only.

(4) The Government propaganda machinery should be accelerated so that the interested parties cannot dupe the public and the true significance and nature of the action taken by Government is explained to the common man. Pamphlets, leaflets and posters should be prepared and distributed to the District Magistrates for dissemination throughout their districts. Propaganda through newspapers should also be intensified and the papers which, are generally pro-Government should be asked to co-operate in this matter also because their attitude is anything but favourable towards Government in this matter.

(5) *Maulvis* and *khatibs* of the various mosques should be contacted by the District Magistrates and the true picture of the whole situation should be laid before them so that the interested parties cannot play upon their religious sentiments and mislead them into inveighing against Government.

(6) The Convention called for 13th July, 1952, in Lahore should not be interfered with in any way. The speeches delivered and the decisions taken there should be examined later to see what action, if any, is called for. This convention may actually prove to be useful from the point of view of Government if the intending participants are contacted by the District Magistrates or the Director, Public Relations and prevailed upon to

denounce preaching of violence and defiance of law. The Deputy Inspector-General of Police, Criminal Investigation Department, will make an effort to intimate the names of the intending participants to the District Magistrates concerned.

(7) In all action taken in this connection by officers on their own initiative or in accordance with the Government instructions issued from time to time it should be borne in mind that the ultimate object is to kill the threat to law and order created by the Ahrar-Ahmadi controversy by isolating these two organisations from the rest of the public. This will destroy the unfounded bogey of interference with the religious and political rights of the public by Government which the Ahrar have created in their desperate effort to regain their lost power."

The same day some Ahrar leaders saw Mr. Anwar Ali, D. I. G., C. I. D., and threw before him the bait of not making public speeches which were likely to disturb the public peace provided orders under section 144 and prosecutions for breach of such orders were withdrawn. Mr. Anwar Ali recorded his reaction to this offer as follows:—

"This morning Maulana Akhtar Ali Khan came to see me along with Maulvi Ghulam Ghaus Sarhaddi, the new President of the Majlis-i-Ahrar. It seems to me that the Ahrar realise that their fate is sealed and unless they can immediately rally to their side the sympathy of the general Muslim public, they will be finished as a political organisation. The object of the visit was to give an assurance that the Ahrar, as a party, were prepared to make a statement in public declaring that no speeches would be made which were likely to disturb peace and tranquillity. The demand was that at the same time Government should release the persons who had been arrested and the orders under section 144, Criminal Procedure Code, should be withdrawn. I explained the decisions which were reached at today's meeting and said that Government might be disposed to consider the withdrawal of the orders and even release all the Ahrar if the two leaders tendered written apologies. Maulvi Ghulam Ghaus did not give any answer and said that, so far as he and his party believed, Master Taj-ud-Din Ansari had not committed any wrong. I have no doubt that once the Ahrar realise that Government means business and will not change its decisions, they will be more disposed to come to a settlement".

Mr. Qurban Ali Khan's matter-of-fact remark on this was:

"I do not think Government have any cause to change their decision that law and order shall be maintained. Whatever tends to create a situation which is

> likely to end in a breach of the peace, must be hit on the head well and hard".

The Home Secretary congratulated himself and said:

> "As far as the main issue is concerned, it appears now that the Ahrar have realised that Government have foiled their attempts for confusing the issue and that they are being isolated for being made ineffective as a source of threat to the public peace and order".

Effectively to enforce the decisions that were taken in the conference of 5th July, instructions were issued by Mr. Anwar Ali D. I. G., C. I. D., to all Superintendents of Police in the Punjab, on 19th July 1952, requiring them to keep themselves informed of the speeches which were made in mosques or outside, and to detail intelligent persons who could keep mental notes of speeches.

The decisions of the conference were approved by the Chief Minister on 8th July. While the Chief Minister was in Nathiagali in the first week of July, Moulana Suleman Nadvi, who was also in Nathiagali in connection with a constitutional sub-committee, mentioned to him his concern in the application of section 144 to mosques. On 10th July 1952, three Maulvis saw the Home Secretary in his office and put him certain questions which were subsequently repeated by Maulvi Muhammad Ali Jullundri on 11th July by means of a letter asking clarification of the following four points :—

(1) whether restrictions under section 144 Criminal Procedure Code had been imposed on *tardid-i-mirzaeeat* in mosques;

(2) whether such restrictions had later been withdrawn from the mosques;

(3) whether the Muslims were allowed to deliver speeches on *tardid-i-mirzaeeat* and *masala-i-khatm-i-nubuwwat* in the mosques ; and

(4) whether the Muslims were allowed to hold meetings outside mosques to discuss these two issues.

The Home Secretary, after consulting the Inspector-General of Police replied to this letter saying that the orders promulgated under section 144, Criminal Procedure Code, applied only to those public meetings which were organised by members of Majlis-i-Ahrar-i-Pakistan or the Ahmadiya community and that, apart from this, Government had never imposed any restrictions on mosques or other places of worship or on worship and religious ritual. He further said that besides the Ahrar and the Ahmadis all other political and religious bodies were at liberty to hold public meetings. As already stated, the Director of Public Relations had also been directed to intensify his propaganda with a view to explaining the correct position regarding the application of these orders to gatherings in mosques but all that is known is that he also addressed some newspaper men after the Home Secretary had, done so in the first week of July and that some time before 11th July he issued a poster under the heading '*Ihtiram-i-Masajid*' explaining that there were no restrictions on visits to mosques or on assemblies in and outside the mosques for the performance of religious rites, or on religious addresses or on the exposition of the doctrine of *khatm-i-nubuwwat* or any other religious doctrine and that the object of issuing orders under section 144 was to stop people from preaching violence or lawlessness and from causing provocation or creating occasions for disorder, violence and breach of peace between different religious sects under the garb of religion.

One of the points raised by Mr. Cheema, Deputy Commissioner, Montgomery, and supported by the other Deputy Commissioner in the conference of 5th July 1952 was that the Central Government should be requested to express its views on the situation by issuing an authoritative statement on the subject. It was felt by the officers that such statement would completely clarify the situation and considerably strengthen the hands of the Provincial Government in carrying out whatever policy was enunciated by the Centre. But by now Secret letter No. 4/9/52-S. (I), dated the 2nd July 1952, from the Secretary, Ministry of the Interior, Government of Pakistan, to all Provincial Governments and local administrations had been received which was as follows :—

> "I am directed to invite your attention to the very noticeable increase in religious and sectarian controversies in parts of Pakistan during recent months. These controversies have been particularly rampant between the Ahrar and the Ahmadis and have led, in some places, to a disturbance of the peace. The Government of Pakistan consider that if this state of affairs is allowed to continue unchecked, grave consequences may well follow. The attention of the Provincial Governments and local administrations is, therefore, drawn to the Ministry of the Interior letter No. 738-S. (I), dated the 7th September 1951, to the present addresses which is reproduced below for ready reference :—
>
> > 'Instances have occurred where Muslim members of various sects have indulged in objectionable propaganda against each other calculated to hurt each other's feelings and leading, in its extreme cases, to personal violence. An illustration of this type of agitation is the Ahmadi-Ahrar controversy in the Punjab. The Central Government consider that while the legitimate rights of any community or sect to propagate its religious beliefs should not be unduly restricted, and no discrimination should be made between the protagonists of differing views, religious controversies should be confined to reasonable limits and should not be allowed to reach a point where the public peace and tranquillity may be endangered. Militant or aggressive sectarianism should, in the opinion of the Central Government, be suppressed with a heavy hand.

2. I am desired to bring the views of the Central Government in this matter to your notice for such action as may become necessary in your jurisdiction.'

The Government of Pakistan will be glad if the Provincial Governments and local administrations will enforce, strictly and impartially, the policy enunciated in the above letter. This policy applies equally to newspapers and periodicals which habitually indulge in sectarian writings.

The Government of Pakistan have noted with satisfaction the action taken recently by the Punjab Government with sectarian agitation".

The Home Secretary also thought that a reference to the Centre had become necessary and, therefore, on 4th July he recorded the following note:—

"Secret.

I am submitting the main policy file regarding the Ahrar-Ahmadi controversy to H. C. M. as I feel that the time has come when the Central Government should be addressed at the highest level to formulate their policy regarding this question, unless that has already been done, and to make it known to us and the people of the country by deed and directive.

2. This Province is no doubt the stronghold of the Ahrar and contains the largest number of Ahmadis in any one Province of Pakistan but the fanaticism and the philosophy of hatred which the Ahrar are preaching under the cloak of religion for their own political resuscitation, if not curbed, and killed now, will not remain confined to this Province or to the Ahrar and Ahmadis. This Government have taken certain steps to ensure that the conditions will not be created either by the Ahrar or the Ahmadis which will imperil the public peace and order. These steps have been taken after due deliberation and after all other methods had been tried to ensure that the Ahrar will desist from their evil course. There is no doubt that the Ahrar are the aggressors in this matter and are the originators and authors of the whole dispute. They are now feeling frustrated, and seeing their political doom they are making desperate efforts to exploit the sentiments of the Muslims by distortion of facts and misrepresentation of Government's intentions and actions. It will become evident to everyone before long that Government only wanted to snaffle the Ahrar for curbing the agitation sponsored by them and that there is no question whatever of Government interfering with the legitimate religious or political activities of any party or group of people. The honesty and the *bona fides* of this Government do not require any vindication but I feel that we have a right to ask for the co-operation of the Central Government to facilitate us in the

discharge of the administration of this Province, particularly in matters which properly speaking are within their scope and sphere.

3. The Ahrar are using three slogans now to enlist popular feeling in their support :—

   (1) propagation of the *masla-i-Khatm-i-nubuwwat* ;
   (2) the declaration of the Ahmadis as a minority ; and
   (3) the removal of Chaudhri Zafrullah Khan.

4. As far as (1) is concerned, the Central Government should tell us unequivocally what line to pursue. This demand means nothing else but what the Ahrar and many other Muslims call '*radd-i-mirzaeeat*'—eradication of *mirzaeeat*. Should we allow, encourage or connive at activities which aim at physical or religious annihilation of a minor section of our people? The orthodoxy of the Ahmadis is heterodoxy of the non-Ahmadis and if the latter class are allowed to inveigh against the Ahmadis, will they also be given the right to declaim from pulpit and platform that what they believe is the truth and the rest all blasphemy? If we concede this right to one section of the public, are we prepared to allow the Christians to preach what they piously believe regarding our Prophet (peace be on him) and shall we be prepared to risk public demonstrations by the Shias of their sentiments towards some of the most illustrious of the *sahaba*? Is it the intention to make this country a battle field for warring groups and religions with the ultimate object that the vanquished will either perish or will be converted ? The hydra which the Ahrar are trying to raise should be killed before it is hatched otherwise it will devour our freedom and all else that we cherish. This is a matter on which the Centre should give us a lead. This religious belief cannot be enforced by the Ahrar and other non-Ahmadis on the Ahmadis without creating problems of law and order. We should, therefore, know whether considerations of law and order should be given paramount importance or whether we should give priority and precedence to the religious beliefs and the susceptibilities of the majority of our people. All the above points can be settled and the questions answered competently by those who are framing our constitution and whose scope is not limited like that of the Provincial Government.

5. The second plan of the Ahrar is that the Ahmadis should be declared a minority. This is a matter entirely for the Central Government to decide and they should not leave it undecided any longer. If they feel that the demand is just and in accordance with what they have in mind regarding the future destiny of this country, they should concede the demand, forthwith. If on the other hand they consider the demand to be preposterous, they should issue an authoritative statement in unambiguous terms. It is for the Centre to decide whether they should give in to this pressure created by the Ahrar to undo Pakistan, against the creation of

which they had done their utmost until the proverbial last minute. Whatever the decision of the Centre, it should he made known to every one as early as possible.

6. The third demand of the Ahrar is again a matter regarding which Centre should tell the public what their view is. If they still repose confidence in the Honourable the Foreign Minister which I am sure they do, what is preventing them from saying so openly to quell the campaign of vilification being carried on against him? The man in the street is now feeling, though quite unjustifiably, that some of the Honourable the Foreign Minister's colleagues are behind this agitation, otherwise the complacency with which they are ignoring the insults heaped on him cannot be accounted for.

7. If H. C. M. approves of my suggestion for addressing the Central Government, he may kindly send an appropriately worded letter to H. P. M. Honourable the Chief Minister may also like to discuss the entire situation with H. E. the Governor.

8. I am not burdening this note with the action that is being taken to give a fillip to our propaganda so that we shall not lose our case by default and the public will know the real and true facts and the steps that are being taken to implement the policy of this Government to finish the Ahrar-Ahmadi controversy as a source of danger to the law and order of the Province. Honourable Chief Minister is being informed of the up-to-date position, verbally and otherwise but I may mention here that the Ahrar, as a clever move, have convened a convention of the various religious organisations on the 13th of this month to consider the question of *khatm-i-nubuwwat*. I have also called a conference of the District Magistrates who are mainly concerned with this matter for tomorrow. The recommendations formulated at our conference will be submitted to Honourable Chief Minister immediately. In view of the convention called for the 13th, I would request H. C. M. to consider the desirability of prevailing upon C. S. and I.G.P. to postpone their leave for the present. They may proceed on leave when this agitation has blown over.

9. Chief Secretary may please see before the file goes by special C. I. D. messenger to H. C. M. at Nathiagali."

The following was the Chief Secretary's view on this :—

"H. C. M. may please peruse the above note of H. S. from page 1.

2. I cannot say that we need seek support from the Central Government regarding the action which we have taken in order to maintain law and order in our Province. One would normally not ask them to issue any statement to the effect that they fully endorse the action taken by us. But in this case the

Ahrar have been giving an impression that their agitation is endorsed by the Central Government or by some Ministers or officials of that Government. The C. I. D.'s report is that this matter is being whispered round in the towns. It is, therefore, desirable that we should report the position to the Central Government, and ask them to consider whether they would issue a statement to the effect that there is no truth in this rumour and that the Central Government fully support the action which the Provincial Government has taken.

3. If H.C.M. decides to write a letter to H.P.M. at a personal level, we are likely to achieve the beet results. But I feel that a, formal approach in respect of what I have mentioned above will also be proper.

4. H.S. has omitted to mention that the Central Government's policy on this subject has already been explained to us at M/1-C. This policy is that religious controversies should be confined to reasonable limits and should not be allowed to reach a point where the public peace and tranquillity may be endangered. They have laid down that militant or aggressive sectarianism should be suppressed with a heavy hand. This policy has also been reiterated in a letter which was received yesterday and is placed below as P.U.C. In this letter they have noted with satisfaction 'the action taken recently by the Punjab Government in dealing with sectarian agitation'. In these circumstances I do not agree with H.S. that the Central Government has not indicated its policy to us.

5. The questions : whether the Ahmadis should ever be declared as a minority, and whether the Honourable Chaudhri Zafrullah Khan should be removed from his office of Foreign Minister, do not concern the Provincial Government to give a declaration on the first subject. The decision, I think, rests with the Constituent Assembly. It is clearly inappropriate to suggest to H.P.M. that he should give a pronouncement on the point whether the Honourable Foreign Minister enjoys his confidence. But while we write to the Central Government, we *can* mention that these two demands are being put up by the Ahrar party as two of their three slogans.

6. The Question : whether the Inspector-General of Police and I should or should not proceed on leave, is for H.C.M. to decide. I have talked to I. G. and also H. S. and the impression I have formed is that there is no harm if I proceed on leave on the 7th for 16 days. The I.G. is proposing to go on leave on the 15th; but he will not do so if the situation deteriorates in any manner. I do not feel that there will be any serious development till I am due to return from leave."

When the file came to the Chief Minister at Nathiagali, he observed :—

"I am already taking steps to secure the formulation of a consistent and definite policy by the Central Government for all the Provincial administrations on the question of the Ahmadi-Ahrar controversy as well as on the general attitude to be adopted in all agitations and movements likely to inflame and exacerbate sectional feelings. It is probable that a conference at the highest level will be held in Karachi towards the end of this month to consider this problem.

In the meanwhile I feel that there is no necessity to make a formal reference to the Centre on the point suggested by H. S. :—

(*a*) in view of the Central Government's very recent communication placed as P.U.C. below, and

(*b*) particularly in view of the obvious and overriding fact that we need no guidance or consultation to make us realise our primary duty of maintaining law and order in the Province.

Our general policy in respect to the Ahrar and Ahmadis is absolutely clear. As a Provincial Government we are not concerned with any religions difference of opinion, or as to what should be the political status of a particular community, or as to what relation of mutual trust or distrust exists between certain Ministers of the Central Government. Our only concern is to see that the law of the land is not broken, and that the security and safety of all citizens is safeguarded.

We must keep ourselves strictly aloof from all religious and political controversies and their merits in their own context. Our publicity should make this point clear.

Specifically :—

1. We should pursue with a heavy hand all persons who incite to violence.
2. Continue our present ban on sectional meetings.
3. In view of the sensitivity felt by all sections and opinions of Muslims keep strictly aloof from any sort of interference in mosques. I see the logical difficulties in this position, but too technical and legalistic an attitude will inflame rather than solve the problem. Besides I am inclined to discount the agitational effect of meetings and gatherings exclusively held in mosques.

I feel that if the situation remains as uncertain as it is at present, I.G.P. may consider postponing his leave for a few days.

C. S. may go, but lie should hold himself in readiness to be recalled from Karachi at the shortest notice."

The matter rested here when the *ulama*, gathered in Lahore for the All Muslim Parties Convention to be held on 13th July 1952.

CHAUDHRI ZAFRULLAH KHAN'S SPEECH IN JEHANGIR PARK

A meeting of Anjuman Ahmadiya, Karachi, was advertised to be held. in Jehangir Park, Karachi, on 17th and 18th May 1952, and Chaudhri Zafrullah Khan, foreign Minister, was mentioned as one of the speakers. Though, the meeting was held under the auspices of Anjuman Ahmadiya, it was a public meeting as any member of the public could be present to hear the proceedings. A few days before the meeting, Khwaja Nazim-ud-Din, the Prime Minister, expressed his disapproval of Chaudhri Zafrullah Khan's intention to attend a sectional public meeting. Chaudhri Zafrullah Khan, however, told Khwaja Nazim-ud-Din that he was committed to the Anjuman but that if he had been advised earlier he would have refrained from attending the meeting. In view of his commitment, he said, he felt it his duty to speak at the meeting and that if the Prime Minister insisted on his not attending it, he could have his resignation.

The first session of the meeting was held under demonstration of public resentment and there were attempts to interfere with the proceedings. On the 18th May, however, special arrangements for preservation of order were made and Chaudhri Zafrullah Khan spoke on 'Islam as a Live Religion' (Islam *zinda mazhab hai*). The speech was a learned discourse on the superiority and finality of Islam as a world religion and the speaker made it clear that the Qur'an was the last revealed book, that it contained the final code for humanity, that this code was not to be abrogated or superseded by any subsequent code, that the prophet of Islam was *khatim-un-nabiyin*, who had given the last Divine message to humanity and that no prophet would ever appear with any new law or any law in supersession, abrogation, or repeal of the law contained in the Qur'an. The only reference in the speech to the Ahmadiya creed was in connection with the promise of the appearance of persons who would be commissioned by God for *tajdid-i-din*, namely, for reforming or renovating the original religion, with a view to preserving its purity and originality, and if mistakes, errors or innovations had crept into it, to removing them. Such renovator, he claimed, had appeared in the person of Mirza Ghulam Ahmad. Concluding his speech, he said, that Ahmadiyyat was a plant implanted by God Himself, that this plant had taken root to provide a guarantee for the preservation of Islam in fulfilment of the promise contained in the Qur'an, that if this plant were removed, Islam would no longer be a live religion but would be like a dried up tree having no demonstrable superiority over other religions.

The meeting of Anjuman Ahmadiya provided an occasion for riots in Karachi. The authorities had received previous information that attempts would be made to create disorder at the meeting and necessary arrangements for the maintenance of order had already been made. Some persons began throwing stones at the audience in an attempt to disturb the meeting on 17th May. Fifteen police constables received injuries, but the situation was controlled, the rioters arrested and the proceedings continued. On the following day a crowd of men gathered round the meeting and they had to be dispersed by tear gas. A group of rioters went to Shezan Hotel, an Ahmadi concern, where they broke window glasses and attempted to set fire to the building. The show room of Shahnawaz Motors, owned by an Ahmadi, was brickbatted and one new car damaged.

Attempt was also made to burn the Ahmadiya library and the shop of an Ahmadi manufacturer of furniture on the Bunder Road. Sixty persons were arrested on that day. After the riots, Mr. A. T. Naqvi, the Chief Commissioner, called a press conference at which he explained that his administrative policy was that every citizen of Pakistan had perfect freedom of religious belief and that any future attempt to interfere with such freedom, would, not be tolerated.

Chaudhri Zafrullah Khan’s action was intensely and widely resented by the Muslim public in Karachi and the Punjab, and there were strong protests against it. The weekly ‘Star’, Karachi, in its issue of 24th May, 1952, published on its front page an article under the heading ‘Foreign hand? Who directed Karachi riots?’ hinting that the riots were the result of the machinations of a foreign power. Some Ahmadi gentlemen of Lahore, including Mr. Bashir Ahmad and. Mr. Siddiqi, brother-in-law of Mirza Bashir-ud-Din Mahmud Ahmad, in their private talks gave expression to the view that the responsibility for the incident lay on the Prime Minister Khwaja Nazim-ud-Din. Mr. Zulqarnain Khan, S. P. (A), mentioned in his report on 28th May 1952 that persons arriving from Karachi, including Abdullah Butt of the U. K. Mission, had given out in Lahore that the disturbances had been manoeuvred by the Americans because Chaudhri Zafrullah Khan was pro-British and anti-American, and that the article in the ‘Star’ had been inspired by Abdullah Butt at the instance of the U. K. Mission. Commenting on these rumours on 1st June 1952, Mr. Anwar Ali, D. I. G., C. I. D., remarked that the Ahrar leader’s had for sometime past been giving out that the agitation against Chaudhri Zafrullah Khan which they were carrying on had the support of some high-ups in the Government and the Muslim League and that the Government’s omission to take firm and determined measures had been giving cause for belief that some members of the Government were sponsoring this chauvinistic movement. Mr. Qurban Ali Khan’s realistic approach to the problem was as under:—

> “I do not think any Foreign Power would attach or has any need to attach so much importance to Pakistan as to consider it worth their while to run the risk of being caught meddling with its domestic affairs. Nor do I think any local politician has anything in particular to gain by fostering agitation against Sir Zafrullah Khan in person. They are all experienced enough to know that people capable of doing all this against Sir Zafrullah Khan today would be equally capable of doing something worse against them tomorrow. I do not think any politician, worth the name will inculcate such tactics amongst the masses. What may however be happening is just the fear of becoming unpopular with the Muslim masses by challenging the Ahrar on an issue when the popular support will not be with them. But it is at times like these that the need of a real leader in a country arises to lead the people and not just to be driven at the head of the herd all the time.
>
> The recent order by the Punjab Government to all District Magistrates to exercise stricter control over the Ahrar-Ahmadi meetings may have the desired effect of crushing things down.

If this attempt also fails something more of the type of hitting on the head shall have to be forged and used."

The Home Secretary hoped that the recent decision of Government which was being communicated to the District Magistrates would improve the situation but hinted that if it did not, something more drastic shall have to be done.

The Central Government took note of the happenings at Karachi, and the Intelligence Bureau by its letter No. 9/B/52 (25), dated the 22nd May 1952, to D. I. G., C. I. D., Punjab, Lahore, drew the attention of the latter to the trend of events which showed that feelings of animosity were being insidiously fanned against the Ahmadis by the Ahrar and that the *lathi*-charge on the crowd which had tried to create a disturbance at the annual meeting of the Ahmadis on l7th and 18th May had further exacerbated the Ahrar's feelings. The letter proceeded to say that these developments were by no means satisfactory, that special measures were needed to curb the activities of persons who were fanning the flame and that such activities dearly fell within the purview of section 153-A of the Pakistan Penal Code. In reply the Chief Secretary to the Government of Punjab by his letter dated 4th July 1952, informed the Ministry of the Interior that the Provincial Government had by circular letter No. 6469-84/BDSB, dated 5th June 1952, instructed the District Magistrates to ban all public meetings organised by the Ahrar or the Ahmadis.

ALL PAKISTAN MUSLIM PARTIES CONVENTION IN KARACHI

After the speech of Chaudhri Zafrullah Khan on 18th May in Jehangir Park, Karachi, Maulana Lal Husain Akhtar convened a conference of All Pakistan Muslim Parties in the Theosophical Hall, Karachi. The invitations for this conference were issued over the signatures of Maulana Ehtisham-ul-Haq Thanvi, Maulana Abdul Haamid Badayuni, Maulana Jafar Husain Mujtahid, Maulana Muhammad Yusuf and Maulana Lal Husain Akhtar as decided upon in an alleged representative gathering of important Muslim parties. The conference was held at the house of the convener on 2nd June. The proceedings of that conference have not been produced, but it appears from papers produced by Maulana Ehtisham-ul-Haq that in that conference the following demands were formulated:—

(1) that the Ahmadis be declared a non-Muslim minority;
(2) that Chaudhri Zafrullah Khan be removed from the office of Foreign Minister;
(3) that Ahmadis be removed from all key posts; and
(4) that in order to achieve the aforesaid objects an All Pakistan Muslim Parties Convention be called.

This conference was presided over by Maulana Sayyad Suleman Nadvi, under whose chairmanship a board was also constituted which was to make arrangements for the next meeting of the Convention. The resolutions passed at this conference were approved in a public meeting held in Karachi.

The members of the board were the following:—

(1) Sayyad Suleman Sahib Nadvi, Chairman, Board of Ta'limat-i-Islami;
(2) Mufti Muhammad Shafi Sahib, Member, Board of Ta'limat-i-Islami;
(3) Maulana Abdul Haamid Sahib Badayuni;
(4) Allama Muhammad Yusuf Sahib Calceuttavi;
(5) Allama Mufti Sahib Dad Sahib;
(6) Allama Sultan Ahmad Sahib;
(7) Allama Ahmad Nurani Sahib;
(8) Maulana Lal Husain Akhtar Sahib;
(9) Al-Haj Hashim Gazdar Sahib;
(10) Maulana Jafar Husain Sahib Mujtahid, Member, Board of Ta'limat-i-Islami ; and
(11) Maulana Ehtisham-ul-Haq, Convener.

In a meeting of the board held at the house of Mr. Muhammad Hashim Gazdar on 13th July, it was decided to issue invitations for the Convention to the following parties:—

(1) Jami'at-ul-Ulama-i-Pakistan,
(2) Jami'at-ul-Ulama-i-Islam,
(3) Jama'at-i-Islami,
(4) Tanzeem-i-Ahl-i-Sunnat-wal-Jama'at,
(5) Jami'at-i-Ahl-i-Sunnat,
(6) Jaim'at-i-Ahl-i-Hadith,
(7) Motamar-i-Ahl-i-Hadith, Punjab,
(8) Idara-i-Tahaffuz-i-Haquq-i-Shia, Punjab,
(9) Safina-tul-Muslimeen,
(10) Hizbollah, East Pakistan,
(11) Majlis-i-Tahaffuz-i-Khatm-i-Nubuwwat,
(12) Majlis-i-Ahrar,
(13) Jami'at-ul-Falah,
(14) Jami'at-ul-Arabiyya.

Representatives of the Jama'at-i-Islami to whom invitations were decided to be issued were Maulana Sayyed Abul Ala Maudoodi, Naeem Siddiqi, Chaudhri Ghulam Muhammad and Sultan Ahmad. The dates fixed for the Convention were 16th and l7th August but as will be pointed out later the Convention actually took place on 16th to 18th January 1953.

ALL MUSLIM PARTIES CONVENTION, LAHORE

Chaudhri Zafrullah Khan's speech in Karachi accelerated the pace of events, and the Ahrar clutched at a long-awaited opportunity which they exploited to the utmost. In the issue of the 'Zamindar' of 3rd July, an advertisement appeared that a contention of all religious *jama'ats*, which would be attended by *ulama*, *khatibs*, *pirs*, *sajjada-nashins* and leaders and workers of different political parties, would be held in the Barkat Ali Muhammadan Hall on 13th July, to chalk out a preliminary programme of action for the protection of the doctrine of *khatm-i-nubuwwat*. An invitation for the meeting, Ex. D. E. 138, was issued by Ghulam Ghaus Hazarvi over the signatures of :—

(1) Maulana Ghulam Muhammad Tarannum, Sadr, Jami'at-ul-Ulama-i-Pakistan, Punjab, Lahore ;
(2) Maulana Mufti Muhammad Ha-san, Sadr, Jami'at-ul Ulama-i-Islam, Punjab, Lahore ;
(3) Maulana Ahmad All, Amir Anjuman-i-Khuddam-ud-Din, Lahore ;
(4) Maulvi Muhammad All Jullundri, Nazim-i-A'la, Majlis-i-Ahrar, Punjab Multan ;
(5) Maulana Sayyad Muhammad Daud Ghaznavi, Sadr, Jami'at-i-Ahl-i-Hadith, Punjab, Lahore ;
(6) Maulana Sayyad Nur-ul-Hasan Bukhari, Nazim-i-A'la, Tanzeem-i-Ahl-i-Sunnat-wal-Jama'at, Pakistan; Lahore, and
(7) Sayyad Muzaffar Ali Shamsi, Editor, Akhbar Shahid and former General Secretary, Idara-i-Tahaffuz-i-Haquq-i-Shia, Pakistan, Lahore.

Though only one of the signatories to this invitation, namely, Maulvi Muhammad Ali Jullundri, described himself as Nazim-i-A'la, Majlis-i-Ahrar, it is clear from the evidence of Maulana Akhtar Ali Khan that the *da'ee* committee which decided to issue the invitation, had a preponderant majority of the Ahrar, and Ghulam Ghaus Hazarvi who issued the invitation, appears to be the same person who was an active member of the Ahrar party and had been previously warned for his activities by the Governor of the Punjab. Neither the Ahrar nor the Majlis-i-Amal in their written statements have given details of the manner in which the *da'ee* committee was formed or who decided the names of the invitees to this convention ; but it appears from the pamphlet 'The Majlis-i-Ahrar, Pakistan' compiled by Mr. Anwar Ali, D. I. G., C. I. D., on information derived from C. I. D. records, that invitations were issued to some sixty religious divines and that the convention was attended, among others, by Maulana Ehtisham-ul-Haq Thanvi, Maulana Abdul Haamid Badayuni and Sayyad Suleman Nadvi from Karachi.

During the days that the convention was held, there was in force in Lahore an order under section 144 of the Code of Criminal Procedure, prohibiting public meetings but in the decisions taken by the conference of District Magistrates, presided over by the Chief Secretary, on 5th July, it was decided to let the Convention take place and not to interfere with its proceeding. At this Convention the three demands, namely, that the Ahmadis be declared to be a minority, that Chaudhri Zafrullah Khan be removed from tae office of Foreign Minister and that the Ahmadis be removed from key posts in the State, were adopted and a Council of Action (Majlis-i-Amal) was formed of the following to decide upon the future programme of action :—

(1) Maulana Abul Hasanat Muhammad Ahmad of Jamiat-ul-Ulama-i-Pakistan—President ;
(2) Maulana Amin Ahsan Islahi of Jama'at-i-Islami—Vice President;
(3) Master Taj-ud-Din Ansari of Majlis-i-Ahrar ;
(4) Sheikh Husam-ud-Din of Majlis-i-Ahrar ;

(5) Maulana Abdul Haleem Qasimi of Jami-‘at-ul Ulama-i-Islam ;
(6) Maulana Muhammad Tufail of Jami’at-ul-Ulama-i-Islam ;
(7) Maulana Muhammad Bakhsh Muslim of Jami’at-ul-Ulama-i-Pakistan;
(8) Maulana Ghulam Muhammad Tarannum of Hizbul Ahnaf ;
(9) Maulana Ghulam Din of Hizbul Ahnaf ;
(10) Maulana Daud Ghaznavi of Jami’at-i-Ahl-i-Hadith ;
(11) Maulana Ata Ullah Haneef of Jami’at-i-Ahl-i-Hadith ;
(12) Maulana Nasrullah Khan Aziz of Jama’at-i-Islami ;
(13) Hafiz Kifayat Husain of Idara-i-Tahaffuz-i-Haquq-i-Shia ;
(14) Muzaffar Ali Shamsi of Idara-i-Tahaffuz-i-Haquq-i-Shia ;
(15) Maulvi Noor-ul-Hasan Bukhari of Tanzeem-i-Ahl-i-Sunnat-wal-Jama’at ;
(16) Sahibzada Faiz-ul-Hasan of Anjuman Sajjada Nashinan-i-Panjab ;
(17) Maulana Abdul Ghafar Hazarvi of Anjuman Sajjada Nashinan-i-Punjab ;
(18) Allama Ala-ud-Din Siddiqi,—nominated ;
(19) Maulana Akhtar Ali Khan,—nominated ; and
(20) Maulana Murtaza Ahmad Khan Maikash—nominated.

The administrative position was considered by the authorities after the date of the Convention was announced but before it was actually held. Mr. Qurban Ali Khan in his note dated l4th July 1952, correctly read the motives of the Ahrar when he said :—

> “That Ahrar are assisted by some one is accepted in all quarters. The Ahrar by themselves are not strong enough to have raised this demand but someone from amongst them or those who are behind them are clever enough to have foreseen that none of the so-called religious *jama’ats* would be foolish enough to lag behind on an issue over which every Musalman has the strongest feeling against the Ahmadis. That every single Muslim will rise on this issue cannot be denied. The cult of violence with which the Ahrar started the agitation and which compelled Government to step in, they know, is not being endorsed by the sensible section of the public. The Ahrar have realised this and I feel that they will not now advocate any step which is likely to pitch them against the law but they will do everything in their power to convert the rest of the *jama’ats* with them in their two most difficult demands against the Ahmadis. Their foremost endeavour would now be to face the Muslim League and its Government with this problem and to seek a policy from them. That a Government, no matter of which party, cannot possibly accept these recommendations is realised by most of the people. It will nevertheless be the strongest issue since the formation of Pakistan, on which the League will be challenged with the hope that if Government in power should give a verdict rejecting these demands the majority of Musalmans will go against them. There is not the slightest doubt of this happening if in the meantime Government does not devise ways and means to counteract the mischief which will now start in right earnest. What ways and means Government can find or employ it

> would be possible for them only to examine. No time should be lost. It is now a race and Government must be on its toes and let no grass grow under its feet."

The Home Secretary thought that the Ahrar had succeeded to a very large extent in exploiting the sentiments of the people to avoid being isolated and thus finished for all times, but he felt that Government had succeeded in curbing them and that that was why they were making desperate efforts for seeking extraneous protection. He suggested that before any decisions were taken the Chief Minister should convene a meeting of I. G. P., D. I. G., C. I. D., and the Home Secretary, the Chief Secretary being away to Karachi on leave. Accordingly the subject was discussed at a meeting held on 16th July 1952 but there is no record of the decisions taken.

After the Convention was over, the speeches made on that occasion were examined with a view to considering whether any action against any speaker should be taken or not. Mr. Wali Ullah Khan, S. P. (B.), C. I. D., Punjab, expressed the opinion on 21st July 1952 that five of the speeches were actionable but he remarked that Bahawal Haq Qasimi and Allama Ala-ud-Din Siddiqi who had committed an offence under section 21 (*ii*) of the Public Safety Act should not be prosecuted because any such step would furnish an opportunity for further mud slinging in Court. Abdul Ghafar Hazarvi, he thought, was not of any substance and, therefore, his speech was to be treated with the contempt that it deserved. About Maulvi Muhammad Ali Jullundri, who had called the Government *be-iman*, he said, that the remark made by him was a solitary one and could be ignored. In the case of Abdus Sattar Khan Niazi his opinion was that he could be left out with the hope that he would be pulled up on some subsequent occasion. The D. I. G., C. I. D., sent up the case to the Home Secretary drawing his special attention to the speech of Abdus Sattar Khan Niazi and the Home Secretary forwarded it to the Chief Minister who initialled it on 25th July 1952.

NEWSPAPERS

The important papers in Lahore are the 'Pakistan Times' the 'Civil & Military Gazette', the 'Nawa-i-Waqt', the 'Imroz', the 'Zamindar', the 'Ehsan', the 'Maghribi Pakistan ', the 'Afaq', the Jama'at-i-Islami paper the 'Tasneem', and the Ahrar paper the 'Azad'. Of these, the first four did not engage themselves in the Ahmadi and non-Ahmadi controversy and the 'Tasneem' wrote about it only rarely. Of the remaining papers, for the first half of 1952 the 'Maghribi Pakistan' referred to this subject only thrice and the 'Afaq' not more than twice ; but the 'Azad' and the 'Zamindar' had thrown themselves wholeheartedly into the controversy and were consistently carrying on a campaign against the Ahmadis, their beliefs, their leaders and Chaudhri Zafrullah Khan. The 'Afaq' was practically Mr. Daultana's paper, while the 'Zamindar', the 'Ehsan', and the 'Maghribi Pakistan ' were all Government-patronised papers. The history and details of this patronage are in themselves an interesting subject to which we may refer here.

The Provincial Government, in consequence of the recommendations made by the Pakistan Advisory Board of Education in 1947, introduced an adult education system with the object of reducing illiteracy in the Province. The objects of this fund were :

(1) establishment of libraries in villages,

(2) use of radios and films,

(3) provision of suitable type of literature, and

(4) literary centres run by whole-time and part-time teachers and social workers.

The system was in the charge of the Education Department and a sum of Rs. 2,25,000 in 1949-50, Rs. 10,00,000 in 1950-51, Rs. 6,00,000 in 1951-52 and a similar sum in 1952-53 was allocated to it.

On 18th May, 1951, Mir Nur Ahmad, the Director of Public Relations, submitted to the Chief Secretary a proposal for purchasing copies of suitable newspapers for institutions such as hospitals, jails, schools and colleges, and asked for the sanction of Rs. 50,000 expenditure for this purpose. In making the proposal he said :

> "It will not be incorrect in case H. C. M. and H. M. E. agree, to sanction expenditure on this scheme against the grant for education because, apart from publicity, an important object of the scheme is to provide reading material as a help in the adult education campaign in the Punjab Jails, Education Departments, Adult Education Centres, etc. If the idea of debiting the expenditure to this head is approved, the amount will have to be placed at my disposal."

He also added, but without giving any reasons, that further details of the scheme were to remain confidential. The proposal was supported by the Chief Secretary and forwarded to the Chief Minister for orders in consultation with the Education Minister but it was strongly opposed by the Education Department on the ground that newspapers could only be useful for the literate and not for those who had to be made literate. The officer noting on the case in the Education Department further thought that the proposed expenditure could not be rightly debited to the Adult Education Scheme. Despite this protest by the Education Department, however, the two Ministers decided on 26th May 1951 to sanction the amount and to place it at the disposal of the Director of Public Relations. From time to time the Director of Public Relations asked for, and received, from the Education Department further sums for 1951-52 and 1952-53, the total amount thus received being Rs. 2,03,000.

This money was spent in the following manner:

I. *Rs.* 50,000 *received in June* 1951—

		Rs.
To 'Afaq'	… … … …	42,000
To 'Zamindar'	… … … …	4,000
To 'Zamindar' again	… … … …	4,000
	Total	50,000

II. *Rs.* 50,000 *received in December* 1951—

		Rs.
To 'Ehsan'	… … … …	18,000
To 'Afaq'	… … … …	18,000
To 'Zamindar'	… … … …	5,000
To 'Maghribi Pakistan'	… … … …	7,000
	Total	48,000
	Balance	2,000

III. *Rs.* 1,00,000 *received in June* 1952—

		Rs.
To 'Zamindar'	… … … …	10,000
To 'Afaq'	… … … …	40,000
To 'Ehsan'	… … … …	40,000
To 'Maghribi Pakistan'	… … … …	4,000
To 'Zamindar'	… … … …	7,000
To 'Maghribi Pakistan'	… … … …	1,000
	Total	1,02,000

IV. *Rs.* 3,000 *received m December* 1952—

		Rs.
To 'Maghribi Pakistan'	… … … …	3,000

It will thus appear that an aggregate amount of Rs. 1,00,000 was presented to the 'Afaq', of Rs. 58,000 to the 'Ehsan', of Rs. 15,000 to the 'Maghribi Pakistan' and of Rs. 30,000 to the 'Zamindar'. The payments to these papers, two of which had a small circulation, was no less than a wind-fall, and out of sheer gratitude they could have had no scruples in adapting their policy if the Government so wished. The cuttings from these newspapers, however, show that they were all actively engaged in this controversy and went on fanning the agitation even during the days that they were receiving the payments. This activity of theirs was noticed by the Education Department, and Mr. Sana Ullah Khan, Officer on Special Duty in the Department of Public Instruction, had to note that these newspapers were doing more harm than good and that it was sheer waste of Government money to spend it on newspapers which were indulging in sectarian and political controversies. The case of the 'Afaq' is specially noticeable because Mir Nur

Ahmad's control of this paper having been. proved by documentary evidence, it was virtually his paper, and if the evidence of Professor Muhammad Sarwar, the editor of the paper, is to be believed, also Mr. Daultana's paper. The initial payment to this paper was of Rs. 42,000 when it was about to convert or had just converted itself into a daily. Mir Nur Ahmad's son, Mir Iqbal Ahmad, was the Advertising Manager of the paper and he continued on its staff in various capacities throughout and is now its Managing Director. A sum of Rs. 5,000 was presented to this paper by Mr. Daultana himself which had been collected by him from certain Muslim Leaguers in Lyallpur, and this amount eventually became the consideration for which later Mir Iqbal Ahmad purchased some shares in the newspaper. These substantial monetary presents to these papers, out of all proportion to their importance, became a scandal in the journalistic world in the hot weather of 1952 because, being the recipients of Government patronage, they earnestly engaged themselves in this unbecoming controversy and people began to suspect that Government itself was encouraging these newspapers to devote their energies towards promoting sectarian hatred. Though in its issue of 1st June 1952 the 'Afaq' had declared itself unequivocally against all sectarianism, in its issue for 4th July 1952, that is to say, just after the receipt of the first instalment of patronage, it announced that it would devote special attention to the Qadiani question and. start writing special articles to show that Qadianis were a danger to the solidarity of Pakistan. Accordingly the first article on the subject was written on 5th July 1952, and a slip attached to a copy of this issue shows that free copies of it were distributed to Friday congregations in mosques. An attempt was made in this article to show that the differences between the Qadianis and the Muslims were fundamental, that the Qadianis were not a sect of Islam, that with them belief in the *nubuwwat* of Mirza Ghulam Ahmad was an essential part of the dogma and a belief to the contrary *kufr*, that they were an entirely separate community, having their own Government, their own courts, and their own police and magistrates and that their aim was to acquire control of all departments of Government. Having attempted to establish the Qadianis as a separate community, the article suggested that all Muslim parties should rally round this issue and chalk out a programme of action to have that community declared a non-Muslim minority. Special stress was laid in this article on the advice that in attempting to achieve the objective recourse should not be had to force, rowdyism, riots, assaults, abuses, blackening of faces or breaking up of assemblies because such acts would be detrimental to the cause and that all activities in this respect should be kept within constitutional limits.

In the month of July alone there were fourteen articles on this subject in the subsequent issues of the 'Afaq'. The trend of all these articles was that the Qadianis, for the reasons given therein, were a separate community and that a campaign should be organised to have them declared a minority but that all activities in prosecution of this campaign must be carried on in a constitutional manner and without resort to force or breaches of the law.

The article of 5th July was followed by an article in its next issue under the heading 'Section 144 and Khatm-i-Nubuwwat' in which the Ahrar were advised to abstain from making violent speeches which were calculated to lead to breaches of the peace and from committing acts of lawlessness. In the issue of the same date, there were two more articles one of which contained reports of speeches made in different places demanding the declaration ot Ahmadis as a minority and the removal of Chaudhri Zafrullah Khan, and the other held out an assurance to the Ahrar that if they refrained from indulging in lawlessness and avoided causing provocation, there was no reason why the unfortunate estrangement that had come to exist between the Musalmans and the Government in this respect, should continue for a moment. The article also reproduced some provocative addresses of Mirza Bashir-ud-Din Mahmud Ahmad.

In the article of 9th July under the heading ‘Stop Lawlessness’ people were advised to make the issue a common issue for all the Musalmans and not to disobey orders passed under section 144 or to commit other breaches of the law. In the same issue there appeared another article in which Allama Iqbal’a views on the 17-year-old Ahmadiya movement were reproduced.

The issue of the 10th July published a statement by Maulana Ahmad Ali welcoming the Government’s clarification of the reasons for the promulgation of orders under section 144 and of their application to public meetings in the mosques and suggesting that the demand relating to the declaration of Qadianis as a minority had nothing to do with the Punjab Government and that the demand should be pressed in a constitutional manner without resorting to breaches of the law. Another statement published in the same issue was by Maulana Abul Hasanat who welcomed the communique of the Punjab Government and declared that he would not permit any party to achieve its political objective by exploiting religion and that those who advocated breaches of the law would not have his co-operation. The Maulana condemned disorders, lawlessness and provocative speeches and stated that the demand relating to the declaration of the Qadianis as a minority could be Successfully pressed in a peaceful and constitutional manner. This issue also published a letter appreciating the newspaper’s services to the cause of *khatm-i-nubuwwat* and reiterating the view that the agitation should be carried on in a constitutional manner and not by breaking the law. The issue of 11th July published the views of Maulana Ghulam Murshid that the declaration of the Qadianis was a matter for the Constituent Assembly of Pakistan. The issue of 13th July contained reports of speeches delivered in forty mosques of Lahore on Friday demanding the declaration of Qadianis as a minority.

By this time the *ulama* who were to participate in the conference that was to be held on 13th July had arrived in Lahore and the ‘Afaq’ in its issue of 14th July referred to the view expressed by some of them that the conference was likely to resolve that the demands in respect of the Ahmadis were to be pressed in a constitutional manner.

The issue of 15th July published two significant articles in one of which it reported the proceedings of the All Muslim Parties Convention and pointed out that the Ahrar had dominated throughout the proceedings of the Convention, and that some of the fifteen resolutions which were passed by the Convention were calculated to serve the political interests of the Ahrar. The other article contained critical comments on some of the resolutions. It pointed out that the movement was likely to suffer by the folly and selfishness of some of its directors and that it appeared that some frustrated politicians and quondam opponents of Pakistan were trying to serve their own interests and behind the sacred cloaks of the religious divines were seeking to regain their lost political influence. It went on to remark that the exploitation of *tahaffuz-i-khatm-i-nubuwwat* movement for one's personal or political ends was a crime and political hypocrisy and in this connection it referred to public statements of some of the *ulama* that they would not permit religion to be exploited for political ends. It supported the demands but pointed out that some of the resolutions were calculated to bring into importance a discredited political party and to produce disorder. Referring to the resolution condemning the orders promulgated under section 144 as an interference with religion and to that relating to the withdrawal of cases against the Ahrar leaders who were being prosecuted for defiance of such orders, it asserted that these resolutions were bound to bring the Ahrar into popularity. Another resolution disapproved was that condemning the *lathi*-charge in Gujrat, The resolution next severely commented upon was the *yaum-i-mutaliba* resolution according to which 18th July was to be observed as a 'Day of Demands'. The article pointed out that there was no occasion for *yaum-i-mutaliba* because the demands were within the competency of the Constituent Assembly and that the method proposed had in it the possibility of a conflict between the Government and the sponsors of the movement.

The 'Maghribi Pakistan' in its issue of 10th July 1952 published an article 'Khatm-i-Nubuwwat and the Mirzai Movement' by Mubassir who attempted to prove that the Qadianis were *kafirs* who should be socially boycotted.

The 'Azad', which is an Ahrar paper edited by Master Taj-ud-Din Ansari, had since its very inception been consistently carrying on in its columns a vulgar, scurrilous and venomous campaign against the Ahmadis and their beliefs and leaders. Since the Punjab Government did nothing to restrain or discourage this paper in its activities, the Central Government by its letter No. 44/1/51-Poll-1, dated 24th May 1952, drew the attention of the Provincial Government to certain articles published in this paper, which were enclosed with that letter, and inquired whether the Provincial Government was contemplating to take any action against it. The Director of Public Relations ordered an examination of these and previous articles in the paper. The officer who scrutinised these articles reported that there were in them passages which were mischievous and amounted to a vilification of the Ahmadis. In his note dated the 22nd August 1952, the Director of Public Relations remarked that the propaganda in which this paper had been indulging against the Ahmadis amounted to a hymn of hatred and was actionable under section 4 (1) (d) of the Press (Emergency Powers) Act. He, however, recommended no action and suggested that the method of persuasion and warning should be further tried. The Home Secretary thought that this method had had no effect and that something more effective had to be thought of, but what this effective method was to be was not suggested, and though the case was seen by the Chief Minister on 28th August, no step against the paper was taken, and the letter from the Provincial Government, D. O. No. 788-PR-52, dated the 30th August 1952, to the Central Government merely informed the latter that a severe warning had been administered to the newspaper.

The 'Mazdoor' is an Urdu newspaper published from Multan under the editorship of Sayyad Abuzar Bukhari, the son of the prominent Ahrar leader Sayyad Ata Ullah Shah Bukhari. The main topic to which this paper devoted its attention was the anti-Ahmadiya movement, and in its issue of 13th June 1952 it published an article in the course of which it gave such a vulgar description in Arabic script of the head of the Ahmadiya community that decency does not permit us to explain it. If these words had been uttered in the presence of a member of the Ahmadiya community, we should not at all have been surprised if the result had been a broken skull. The words used reveal a shockingly depraved taste and constitute a most disrespectful ridicule of the language of the Qur'an and the language of the Holy Prophet. This article was examined by the Director of Public Relations and only a warning was decided to be given. Three days later, this paper in its issue of 16th June 1952 wrote another article abusing the Central Government, and though the paper was required to give a security of Rs. 3,000, the Chief Minister cancelled the order at the request of a deputation which waited on him.

THE DEPARTMENT OF ISLAMIAT

The decision to create a department of Islamiat was taken on 14th May 1951 at a meeting attended by the Chief Minister, the Chief Secretary, the Finance Secretary and the Director of Public Relations. A board of six *ulama* was set up and the Chief Secretary was appointed the head of the department. The Director of Public Relations became the controlling and disbursing officer while Maulvi Ibrahim Ali Chishti was appointed as Deputy Secretary on a salary of Rs. 650 per month. The amounts actually spent by the department were Rs. 49,815 in 1951-52 and Rs. 1,05,435 in 1952-53. Seventy-two persons were paid honoraria for writing articles in different periodicals and newspapers from September 1951 to February 1953. Out of these persons, Manlaua Abul Hasanat Muhammad Ahmad and Maulana Muhammad Bakhsh Muslim took a prominent part in the ariti-Ahmadiya agitation, the former being the President and the latter a member of the Punjab Majlis-i-Amal. The department employed eighteen persons as lecturers to deliver speeches in theology in schools, colleges and jails. Of these, the following eleven took a very active part in the movement:—

(1) Maulana Muhammad Bakhsh Muslim,
(2) Maulvi Ghulam Din,
(3) Maulana Abul Hasanat Muhammad Ahmad Qadri,
(4) Sahibzada Faiz-ul-Hasan,
(5) Allama Ala-ud-Din Siddiqi,
(6) Maulana Ghulam Muhammad Tarannum,
(7) Qazi Murid Ahmad,

(8) Hafiz Kifayat Husain,
(9) Professor Abdul Hamid,
(10) Manlana Salim Ullah, and
(11) Mufti Muhammad Hasan.

Seven of these gentlemen were arrested for their activities in connection with-the agitation. With the exception of Qazi Murid Ahmad, Professor Abdul Hamid and Mufti Muhammad Hasan., they were all members of the Majlis-i-Amal which directed the agitation. Qazi Murid Ahmad was the President of the District Council of Action, Sargodha, and Hafiz Kifayat Husain of the District Council of Action, Sargodha, and Hafiz Kifayat Husain of the District Council of Action, Lahore. Of the Board of Members, the following —

(1) Maulana Abul Hasanat Muhammad Ahmad Qadri,
(2) Maulana Ghulam Muhammad Tarannum,
(3) Maulana Muhammad Bakhsh Muslim and
(4) Mufti Muhammad Hasan,

took an, important, part in the movement and the first two were arrested for their activities.

PART II

FROM THE LAHORE CONVENTION TO ARREST OF ULAMA IN KARACHI AND PUNJAB

(14TH JULY 1952 TO 27TH FEBRUARY 1953)

SECTION 144 ORDERS RECALLED

The Sargodha cases for contravention of orders under section 144 were prosecuted vigorously and as we have already pointed out one of them resulted in conviction. The case pending at Gujranwala and the other which was pending at Sargodha were subsequently withdrawn and the persons who had been, convicted in the Sargodha case were ordered to be released.

There are two notes by the Home Secretary, one dated 17th July 1952, on page 7 of file No. 16(2)99, Volume I, and the other, dated 18th July 1952, on page 46 of file No. 16(2)93, Volume I, which show that the decision to withdraw the Gujranwala case must have been under the orders of the Chief Minister. The former note reads :

> "As decided at the meeting held on the 15th July 1952, I sent the attached signal to D. M., Gujranwala, who saw me yesterday. I told him that in view of the fact that the two ringleaders of the Ahrar, namely, Master Taj-ud-Din and Sheikh Husam-ud-Din, had been convicted in the Sargodha case, Government have decided to withdraw the Gujranwala case. The case must have been withdrawn by him either yesterday on return to Gujranwala or today."

The other note reads :

> "The Gujranwala case was withdrawn yesterday. I sent for the Deputy Commissioner on the 15th immediately after our meeting with H. C. M. and communicated to him the decision of Government when he came to see me on the 16th."

Though Mr. Daultana does not admit that the decision to withdraw the case was his, it seems to be perfectly clear from the two notes mentioned above that the decision to withdraw was taken at a meeting of officers in which he was present, and the despatch with which the decision to withdraw was communicated to the District Magistrate, coupled with the fact that a decision of such importance could not have been taken by any officer on his own responsibility, clearly shows that the decision to withdraw the case was, in fact, that of the Chief Minister himself. The file shows that on 15th July 1952 the Home Secretary suddenly sent a wireless message to the District Magistrate, Gujranwala, asking him to see the Home Secretary on the following day and that the Deputy Commissioner came and saw the Home Secretary on 16th July when he was communicated the decision of the Government to withdraw the case. The only inference from all this is that the case was withdrawn under the orders of the Chief Minister.

We have mentioned that Maulana Akhtar Ali Khan and Maulvi Ghulam Ghaus Sarhaddi, the new President of Majlis-i-Ahrar, had come to Mr. Anwar Ali on 5th July 1952 and attempted to assure him that if the persons who had been arrested for defying orders under section 144 were released and the orders under section 144 withdrawn, the Ahrar as a party would make a public statement declaring that no speeches would be made by them which were liable to disturb the peace and tranquillity of the Province. The offer was subsequently repeated to the Chief Minister who directed Mir Nur Ahmad, D. P. R., to contact the Ahrar leaders to ascertain from them their wishes. Mir Nur Ahmad informed the Chief Minister that the Ahrar leaders were anxious to avoid a conflict with the Government and to carry on their agitation in a constitutional manner. Accordingly some of the Ahrar leaders met the Chief Minister on 19th July and agreed to issue a public statement giving an assurance not to resort to lawlessness or violence or to commit any breach of the law. On his part the Chief Minister agreed that if such a statement were issued, he would sympathetically consider the question of lifting restrictions on their meetings under section 144 and releasing their leaders who had bean convicted. In accordance with these arrangements, a statement on behalf of Amir-i-Shari'at Sayyad Ata Ullah Shah Bukhari, Maulvi Muhammad Ali Jullundri, Nazim-i-A'la, Majlis-i-Ahrar, Sahibzada Faiz-ul-Hasan, member, Working Committee, Majlis-i-Ahrar, and Maulana Muhammad Hussain Ghazi, Salar-i-A'la, Juyush-i-Ahrar-i-Islam, was published in the 'Afaq' of 21st July 1952. This statement was to the effect that in their struggle to have the Ahmadis declared a non-Muslim minority and to have Chaudhri Zafrullah Khan removed from the office of Foreign Minister, the Ahrar had in the past done nothing illegal, that they did not intend to do anything in future which might give grounds for an apprehension of violence, disorder or breach of law, that they considered the Punjab Government as their own Government, that the responsibility with which that Government, had been entrusted to maintain law and order was the Ahrar's own responsibility to discharge which they would fully co-operate with the Government, and that it was not only the civic but religious obligation of the Ahrar to defend the life, property, honour and freedom of all citizens of Pakistan irrespective of their religious beliefs. On publication of this statement, the Chief Minister issued the following statement in the 'Civil & Military Gazette' of 22nd July 1952 :

> "I welcome the latest declaration of policy by leaders of the Majlis-i-Ahrar, Punjab and their assurance that they would give my Government full co-operation in the maintenance of law and order.
>
> As they have rightly emphasised it is not only the national but also a religious duty of the Muslim majority in Pakistan to guarantee full protection for the life, property, honour and civil rights of every citizen of this country irrespective of his or her creed or caste.
>
> For sometime past there have been restrictions in various districts of the Punjab on the holding of public meetings or demonstrations by Ahrar workers. The sole object of the orders imposing these restrictions was preservation of public peace and order in the Province. In view of the declaration made by Ahrar leaders it does not seem necessary to continue the restrictions as far as members of their organisation are concerned. Instructions are, therefore, being issued to the district officers concerned to withdraw or suitably modify their orders under section 144 of the Criminal Procedure Code."

Simultaneously a telegraphic message went from the Home Secretary to all District Magistrates informing them on 21st July 1952 that in view of the assurances given, by the Majlis-i-Ahrar-i-Pakistan to the Chief Minister and his acceptance of the assurances, orders under section 144, Criminal Procedure Code, prohibiting public meetings were to be withdrawn. And on 26th July the Home Secretary sent a wireless message to the District Magistrate and the Superintendent Jail, Mianwali, informing them that Government had remitted the unexpired sentence of Master Taj-ud-Din Ansari and that he should be released forthwith. On the same day a similar message was sent to the District Magistrate and. the Superintendent Jail, Jhang, directing the release of Sheikh Husam-ud-Din.

Just as the decisions taken in the conference of 5th July were a confession of helplessness to face and solve the issue whether Muslims were entitled publicly to speak in mosques on *khatm-i-nubuwwat*, the decision to withdraw orders under section 144 and pending cases arising from contraventions thereof and to release persons who had been found guilty of contravening those orders, had the effect of nullifying earlier decisions that the Ahrar had to be isolated and that eases against them which had been declared to be cognizable and non-bailable were to be vigorously pursued. The decisions of 5th July had restricted the District Magistrates' powers to make arrests in or disperse meetings inside or outside the mosques and the decision of 2lst July amounted to an official recognition of the position that, provided the Ahrar did not assault the Ahmadis or rob their property or otherwise violate their honour, they were at full liberty to do whatever they liked to popularise the demands and to speak in whatever strain they liked against Ahmadis, their leaders and their beliefs. Hereafter there was no question of suppressing the spate of hatred that had been let loose against them or of doing anything to stop the gathering storm.

There is some difference in the evidence as to the date on which the undertaking by the Ahrar, which was published in the newspapers of 21st July, was given. According to Mr. Daultana, a deputation of the Ahrar led by Maulvi Muhammad Ali Jullundri met him in his office, probably on 18th July, in the presence of some officers. But from a question put by Mr. Yaqub Ali to Mir Nur Ahmad, it appears that the deputation waited on the Chief Minister on 19th July. An understanding between the Government and the members of the deputation having been arrived at, the question was taken up of drafting an appropriate statement. According to Mir Nur Ahmad and Mr. Ibrahim Ali Chishti, the draft of the terms in which the undertaking was to be published was considered in a meeting of the Ahrar leaders and themselves and was later published in the newspapers. Maulana Muhammad Bakhsh Muslim states that present in that conference were Maulana Abul Hasanat, Sayyad Ata Ullah Shah Bukhari, Sahibzada Faiz-ul-Hasan, Maulana Ghulam Muhammad Tarannum and Maulana Muhammad Bakhsh Muslim himself, and that the date of this conference was after the Multan firing, namely, on or after the 19th July. The conference was held at the premises of a workshop in Badami Bagh. As there is no record either of the leaders' interview with the Chief Minister or of the subsequent conference and Mr. Daultana himself is not definite about, the date, we are inclined to accept the statement of Maulana Muhammad Bakhsh Muslim that this conference of the leaders with Mir Nur Ahmad and Maulvi Ibrahim Ali Chishti took place after the Multan firing and this is not only more likely but confirmed by a letter of the Punjab Government sent in reply to an inquiry by the Prime Minister about the incident. That being so, the announcement of the settlement with the Ahrar, coming as it did after the Kup incident, amounted to a public declaration that the Government was anxious to come to an understanding with the Ahrar at any cost.

THE KUP INCIDENT

At this stage it is necessary to give a brief account of the Kup incident itself. Contrary to the general belief that had come to be held by district officers that processions and public meetings, though banned by orders under section 144, were not to be dispersed, a Sub-Inspector of Police attached to Police Station Kup in Multan had seen the absurdity of such orders being made and constantly disobeyed. Accordingly, on 18th July this officer took it into his head to disperse a public meeting or procession in Multan by the use of force. This was taken as an affront by an impertinent officer and an insult to the honour of the Holy Prophet. Accordingly, on the following day an infuriated mob of about 5,000 gathered round the Kup Police Station and demanded the transfer of the impudent Sub-Inspector. The higher officers present attempted to pacify the crowd but without any result. The railing of the Police Station gave way to the weight of the crowd leaning against it and the mob entered the precincts of the Police Station itself. A squad of fifteen foot constables came out to *lathi*-charge the trespassing crowd but they were met with, a shower of brickbats and had to recede. Then somebody attempted to set fire to the building and the police opened fire, killing three and injuring thirteen of whom three died in the hospital.

Protest meetings against the Multan firing and expressing sympathy with the killed and the wounded were held in several places and eventually an inquiry into the incident was held by a Judge of the High Court who found that the firing was justified. Though the persons who were killed or wounded were members of an unlawful assembly and thus offenders under the law of the land, they were publicly described in several meetings as martyrs, and the Ahrar advertised a meeting at Multan for 29th August 1952 to celebrate their *chehlum*. The D. I. G., C. I. D., suggested that the meeting be banned but the Chief Minister disapproved of the proposal and agreed merely to the administration of a warning to the Ahrar. The proposal that after the administration of the warning a press note should be issued by Government, was also disapproved by him. Again when the Home Secretary inquired whether a general warning should be administered to the Ahrar leaders, the Chief Minister replied that Government need not bother about a general warning at that stage.

MUSLIM LEAGUE

By now the demands began publicly to be supported by Muslim Leaguers and several poster and handbills signed by members and office bearers of the League appeared in the districts of Lahore, Lyallpur, Jhang and Sheikhupura. Muslim Leaguers also began to preside over *khatm-i-nubuwwat* meetings organised by the Ahrar.

It also came to the notice of the President of the Punjab Provincial Muslim League that members of the League were presiding at the meetings of other political parties. He, therefore, thought it necessary to define the policy of the League and on 1st April, 1952, issued the following press statement :—

> "It has come to my notice that at some places in the Province prominent members of the Muslim League organisation including, in some cases, even the Presidents of the District Muslim, Leagues have presided over Ahrar conferences. It must be made clear that to preside over the conferences of another organisation is a breach of discipline of the Muslim League. I am, therefore, to direct that no member of the Muslim League organisation shall in future preside over meetings which are sponsored or conducted by organisations other than the Muslim League. This of course does not include participation in functions which are of a purely social or non-political nature; but the definition of 'political' may be interpreted very strictly and not loosely. It is absolutely necessary that members of the Muslim League do not take part in any activity which is likely to create hostility or ill-feeling between the citizens of Pakistan or to revile and condemn particular sections or groups of the citizens of Pakistan".

and on the basis of this statement a circular letter, dated 3rd April, 1952, was sent to all District and City Muslim Leagues, wherein the members of the Muslim League were prohibited from presiding over non-Muslim League meetings, excluding social and non-political meetings, and it was emphasised that members of the Muslim League should not take any part in activities which might create estrangement or enmity between different classes of Pakistan citizens or which were directed against any particular class or section of Pakistan subjects.

Despite this direction, however, Muslim League branches in districts and towns began to ally themselves with the movement that was rapidly spreading. It has already been pointed out that some persons were being prosecuted in Sargodha and Gujranwala for contravening orders under section 144 for taking part in public meetings in mosques organised by the Ahrar. On 17th July, 1952, the City Muslim League, Gujranwala, held a meeting and passed the following resolutions :—

1. That the doctrine of *khatm-i-nubuwwat* is a fundamental doctrine with Muslims.
2. That the City Muslim League strongly disapprove the application of orders under section 144 to mosques and regards such orders not only unnecessary but a direct interference with the religious observances of the people and strongly demands of the Government to withdraw such orders.
3. That the City Muslim League demands of the Government that all cases arising out of the contravention of section 144 orders be withdrawn and the persons arrested for such contravention released.

4. That the City Muslim League should give legal assistance to those who have been arrested for gathering in mosques in contravention of orders under section 144.

Three days later, i.e., on 20th July, 1952, the City Muslim League, Sargodha, also passed the following resolutions :—

(1) that the City Muslim League unanimously supports the demands for the declaration of Ahmadis as a non-Muslim minority ;
(2) that the City Muslim League requests the Provincial Muslim League and the All-Pakistan Muslim League to take the issue of the declaration of Ahmadis as a non-Muslim minority in their own hands in order to save the nation from further disintegration ; and
(3) that in view of the importance, unanimity and the delicate nature of the demands and public feeling in the country, the Central and the Provincial Leagues should take some practical steps in the matter.

The City Muslim League, Kamoke, also passed a resolution to the effect that since the *ulama*, of the Punjab had unanimously declared the Ahmadis to be outside the pale of Islam, the Ahmadis had become ineligible for being members of the Muslim League, that members of the Muslim League who were Ahmadis should be rusticated from the League and that no Ahmadi should in future be eligible for membership of the League.

In a public statement published in the 'Afaq' of 18th July Mr. Daultana. the President of the Punjab Muslim League appealed to the members of the League to help the League in the solution of the religious and political problems which had arisen over the issue of *khatm-i-nubuwwat*. He advised them to remain calm and patient in order to enable the Working Committee and the Council of the Provincial League to deal with questions on which these two organisations alone could give a correct lead to the people in the forthcoming meeting of the Provincial League which was to be held on 26th and 27th July.

At a meeting of the Working Committee of the Punjab Provincial Muslim League held on 28th June, 1952, it was decided to hold the next session of the League at Lahore on 26th and 27th July, 1952. A provisional agenda was fixed for the purpose on 1st July 1952, but it did not include the issue of *khatm-i-nubuwwat*. The agenda was issued to all Councillors who were requested to submit by 15th July such resolutions as they wished to be moved. Accordingly the following resolutions were received by the Joint Secretary of the League :—

1. Resolution, dated 14th July, 1952, moved by Qazi Murid Ahmad, M.L.A., Councillor, Punjab Muslim League, and seconded by Sahibzada Mahmud Shah of Gujrat, Councillor, Punjab Muslim League:

That this meeting of the Punjab Muslim League Council demands of the Government of Pakistan that Mirzais be declared a separate non-Muslim minority and directs the Muslim League Assembly Party that at an early date it should have a resolution passed in the Punjab Legislative Assembly calling upon the Constituent Assembly of Pakistan to declare the Mirzais a separate non-Muslim minority.

2. Resolution, dated 14th July, 1952, moved by Sahibzada Sayyad Mahmud Shah of Gujrat, Councillor, Punjab Muslim. League, and seconded by Qazi Murid Ahmad, Councillor, Punjab Muslim League:

That this meeting of the Punjab Provincial Muslim League suspects Chaudhri Zafrullah Khan's loyalty to the State and believes that Chaudhri Zafrullah Khan has exploited the office of Foreign Minister to propagate the doctrine of Mirzaeeat and in filling up public posts with Mirzais, that the failure to have the Kashmir issue solved is due not only to Chaudhri Zafrullah Khan's inability but also to his and his Jama'at's traditional loyalty to Great Britain and that the interests of Pakistan, Islamic countries and Kashmir demand that Chaudhri Zafrullah Khan be removed from his office as early as possible.

3. Resolution, dated 15th July, 1952, moved by Muhammad Islam-ud-Din, M.L.A., Vehari, District Multan :

That the Mirzais who do not believe in the finality of the Holy Prophet of Islam and on the contrary consider that those who believe in such finality are *Kafirs* be declared to be a non-Muslim minority and that this demand flows from religious, democratic and constitutional principles.

That the Punjab Provincial Muslim League should impress upon the Central Government the importance of the doctrine of *khatm-i-nubuwwat* and require that Government to declare persons having a different belief as a minority.

4. Resolution, dated 12th June, 1952, moved by Maulana Sayyad Ahmad Saeed Kazmi, member, Provincial Muslim League Council, Multan, and seconded by Khwaja Abdul Hakim Siddiqi, President, City Muslim League, Multan, and further supported by Sufi Muhammad Abdul Ghafoor Ludhianvi, Honorary Office Secretary, District Muslim League, Multan, Councillor, Provincial Muslim League :

That since the Qadianis are unanimously considered to be outside the pale of Islam, they should be declared to be a non-Muslim minority and that such declaration should not be delayed by Government.

That since Chaudhri Zafrullah Khan, who is a Qadiani, is not a representative of the Musalmans, the Punjab Provincial Muslim League Council should demand from the Government of Pakistan that he should be removed from the office and some reliable Musalman appointed in his place.

5. Resolution, dated 14th July, 1952, moved by Muhammad Ibrahim Qureshi, General Secretary, City Muslim League, Jhang, Councillor, Punjab Muslim League :

That the Council should declare that on the strength of their own showings and writings the Ahmadis should be declared by the Council to be a separate non-Muslim minority but that they should be treated as generously as possible.

That the Council should take adequate steps to preserve the doctrine of the finality of *nubuwwat* of the Holy Prophet of Islam and should not in future appoint any members of the Jama' at-i-Ahmadiya to any key post.

That the Muslim League should take the question of preservation of the doctrine of *khatm-i-nubuwwat* in its own hands so that no *zilli* or *buruzi* should in future dare propound any doctrine to the contrary and thus endanger the integrity of the State.

The next meeting of the Working Committee was held on 25th July under the chairmanship of Mr. Daultana, President of the Punjab Provincial Muslim League. At this meeting it was announced by the Chairman that the resolutions which had been received by 15th July 1952 had been examined by him and other office bearers and that they had come to the conclusion that only eight resolutions were to be moved in the Council. This was approved by the committee and in the list of approved resolutions there was at No. 3 a resolution called *khatm-i-nubuwwat* to be moved by Sayyad Mustafa Shah Khalid Gilani.

The second session of the Council began at 8 a.m. on 27th July, and in it the following resolution was passed by a majority of 284 to 8 :—

"The Council of the Punjab Muslim League is fully conscious of the truth that *khatm-i-nubuwwat* is one of those fundamental articles of the Islamic faith which have knit together Muslims of the world into a spiritual brotherhood and provided a strong basis for the unity and solidarity of the Muslim nation in Pakistan. This truth carries with it the obvious and natural implication that non-subscribers to the doctrine of *khatm-i-nubuwwat* have a fundamental difference with what Islam stands for in the domain of religious belief.

On the basis of this position, about which there is or can be no dispute, a proposal, which pertains to the domain of political action and constitutional legislation, has been put forward, namely, that the Ahmadis who have a fundamental difference of attitude on a question of faith, should be classed as a non-Muslim minority in the Constitution of Pakistan. In the opinion of the Council the proposal reflects to a certain extent the reaction of Muslims to the strong separatist tendencies which the Ahmadis have themselves at times shown not only in religious matters, but also in the sphere of civic and social life.

> The proposal, however, involves grave and important issues of a constitutional and legal nature which will affect the privileges and obligations of citizens of Pakistan and will determine the nature of the constitutional set-up which is to be proposed for Pakistan. Such matters naturally require deep and careful consideration in a spirit of calm unprejudiced deliberation unaffected by emotionalism or agitation. The Council of the Punjab Muslim League is, therefore, of the opinion that the constitutional issue involved may, with the fullest confidence, be left to the mature judgment of the leadership of the Pakistan Muslim League & the Members of the Pakistan Constituent Assembly. In the meantime every member of the Muslim League organisation must endeavour to create an atmosphere of calmness and serenity in which alone deliberate decisions affecting fundamental constitutional policy can be taken.
>
> At the same tame this Council affirms its unwavering adherence to the principle that it is not only a democratic but also a religious duty of Muslims of Pakistan to protect as their own the life, property, honour and all civic rights of every citizen of this State, irrespective of his or her caste or creed. This Council expects the Muslim League Ministry in the Punjab to uphold the principle in all circumstances".

At a subsequent meeting of the Working Committee held on 22nd August, 1932, it was resolved that no member or office bearer of the Muslim League should preside over the meetings of Majlis-i-Amal of All Muslim Parties Convention.

Mr. Daultana now busied himself in explaining the stand taken by the Provincial Muslim League in its resolution of 27th July. Speaking in Hazuri Bagh on 30th August, 1952, he said :

> "To-day Pakistan is the only country in the world which seeks to claim Islamic Government. The whole world is watching us in this experiment and if we failed in fulfilling this responsibility, the world would have an opportunity to say that there is no room for an Islamic form of Government in the world. In the matter of *khatm-i-nubuwwat*, I have the same belief which a Musalman should have. According to me all those who do not believe the Holy Prophet to be the last of the prophets are outside the pale of Islam. I go further and say that to raise any argument on the doctrine of *khatm-i-nubuwwat* itself amounts to *kufr* because an argument is possible only where the matter admits of some doubt. The belief in *khatm-i-nubuwwat* is a part of our faith and it is above all argument and logic. The Mirzais are themselves responsible for the hatred that has been created against them because of their separatist tendencies. They are separate from us in every department of life and have confined their personal, political and social activities to their own class. The Qadiani officers have been guilty of

partiality towards men of their own community as several allotments were made by them merely on the ground of the allottee being a Mirzai. This was an abuse of their official position.

The remedy for this state of affairs does not lie in emotional speeches and public meetings. So far as the Punjab is concerned, I shall take strong action against anyone who is found guilty of partiality on sectarian grounds and will have every such complaint fully investigated. I appeal to you in the name of the teachings of Islam and in the good name of the nation to protect the life, property and honour of every person who calls himself a Pakistan citizen. So long as I am the Chief Minister I shall not tolerate in my Province the shedding of innocent blood and shall spare no pains in protecting the honour of every citizen, and I shall discharge this religious, moral and official duty at every cost. The question of declaring the Mirzais as a minority is a constitutional question. Our Constitution has not so far been framed and the Constituent Assembly has not taken any decision in regard to the distinction to be observed between the majority community and the minorities. The question should, therefore, be left to the Constituent Assembly. But assuming for the sake of argument that the Mirzais are declared a minority, what would be the position if they cease to call themselves as Mirzais. The object in declaring a group or a community as a minority is that not only the rights of that group or minority should be determined but that such rights should be protected and they should be given concessions in public services and representation in Legislative Assemblies. If the Mirzais are declared a minority we shall be bound to give them all those concessions and rights which we do not wish to give them now. This is a very complicated question which requires deep and serious consideration. It is not a question which can be settled by holding public meetings, raising riots or throwing stones or by any other rash step. I ask all those who are holding public meetings in connection with the *khatm-i-nubuwwat* movement, where is the need for such meetings if everyone of us believes in *khatm-i-nubuwwat*? These unnecessary meetings sometimes create a doubt in my mind about the *bona fides* of those who are organising them".

In the course of his speech at Rawalpindi reported in the 'Civil & Military Gazette' of 13th September, 1952, he said :

"I want lo make the country a true Islamic republic, in which every-one, irrespective of his political opinions should have equal rights and everything should be settled by exemplary justice; where people are well off economically and. morally, where people are sincere, sober and earnest in achieving the common good of the country.

* * * * * * *

I firmly believe in the finality of the Prophet Muhammad and any person who does not believe so is not a Muslim. But this does not mean that a person who does not believe so should have no right to live in the country.

All those people who live in Pakistan and are loyal to Pakistan, be they Hindus, Christians or of any other sect or religion, come under the protection of the Government of the country and also of the people. To protect each one of the countrymen is the foremost duty of a Muslim as also of the Government; so long as I am at the helm of affairs I will see that no harm is done to any loyal Pakistani purely because of his different faith, caste, or creed.

The question of declaring the Ahmadis a minority is not a religious but a constitutional issue, which should be treated as such and discussed dispassionately and coolly. I appeal to the Ahrar and other religious organisations to create a calm atmosphere for the consideration of such a question".

In his speech at Nizamabad on 25th October, 1952, he deprecated sectarianism and said that people who were creating disunity among the Musalmans were destroying not only the unity of Islam but the integrity of Pakistan. He advised the public to abstain from joining the disruptionist activities of the communalists.

The point stressed in these speeches was that a person who did not believe in the doctrine of *khatm-i-nubuwwat* was not a Musalman, that the demands in respect of the Ahmadis flowed from this theological position, that the demands in their nature were constitutional and political which could only be tackled by the Central authorities, constitutional or Muslim League, that the Province was not concerned with the demands and that the Ahrar should make no fuss over this matter in the Punjab.

SUBSEQUENT EVENTS

All preventive orders having been recalled, the cases arising out of their contravention withdrawn and the sentences imposed for such contravention remitted, and the existence of the demands having been officially recognised, the Ahrar and their associates were left free to adopt any method they considered to be constitutional to press the demands and to carry on propaganda in their support. Taking advantage of the opportunity offered, they intensified their campaign and increased the vigour and extent of their propaganda. According to the Secret Intelligence Abstract which is an official document and used to be submitted for information to the Chief Minister, as many as 390 public meetings of which 167 were arranged exclusively by the Ahrar, were held all over the Province till the proclamation of Martial Law on 6th March. Sayyad Muzaffar Ali Shamsi said Sheikh Husam-ud-Din, Sahibzada Faiz-ul-Hasan, Master Taj-ud-Din Ansari and Muhammad Ali Jullundri who are all prominent members of Majlis-i-Ahrar, literally converted themselves into peripatetic missionaries of the movement, as if their differences with the Ahmadis were their sole concern in life. At the meetings all conceivable arguments were reiterated against Ahmadiyyat and abuses hurled on the Ahmadis and their leaders. The vocal campaign was supplemented by cease-lees posters, leaflets, handbills, pamphlets, newspaper articles and processions. On 24th July, 1952, Mr. Anwar Ali, D. I. G., C. I. D, brought to the notice of Government some mock funerals of Chaudhri Zafrullah Khan, which were being taken out in several places in the Province, proposing action under section 23 of the Punjab Public Safety Act, but the Home Secretary remarked that that Act was not to be used in such cases and suggested instead that the Chief Minister should talk to the Ahrar leaders and ask them to abide by the assurance which they had recently given. The proposal was put up through the Chief Secretary before the Chief Minister who initialled it on 30th July.

The students of the M. B. High School, Wazirabad, carried in procession a charpoy with a dog tied on it representing Chaudhri Zafrullah Khan.

Another procession, which had marched through the streets of Kasur on 25th June, 1952, after Friday prayers and which was reported by the Additional Superintendent of Police, Kasur, in his diary dated 26th July, 1952, also came to the notice of the Chief Minister. In that procession, Chaudhri Zafrullah Khan had been grossly abused in slogans such as ‘Zafrullah *kanjar*’, ‘Zafrullah dog’, and ‘Zafrullah swine’, and at a later stage the processionists had procured a she-ass and written on it ‘Begum Zafrullah’. A man wearing a top hat and a garland of shoes round his neck with the name Mirza Ghulam Ahmad written on him had seated himself on the she-ass. On receiving report of this incident, Mr. Qurban Ali Khan remarked that the incident was the natural outcome of the agitation that was going on in defiance of law, that one lawlessness was producing another lawlessness and that unless some preventive method was discovered it would end in a revolution, and that this was a lesson of history which could be delayed but could not be belied. The case was seen by the Chief Minister but no notice of the incident was taken.

Several other incidents of lawlessness were also reported during this period. These, which are all mentioned in the official documents were as follows :—

(1) the rifling of an Ahmadi shop and throwing of stones at an Ahmadi mosque in Lyallpur on 20th July, 1952;
(2) assault on an Ahmadi on 5th August, 1952, in Misri Shah, Lahore;
(3) an Ahmadi non-Ahmadi clash in Chak 497, Jhang ;
(4) assault on Mt. Tale’ Bibi on 2nd September, 1952, in the course of an altercation arising because of her being an Ahmadi;
(5) assault on Dr. Muhammad Husain Khan, an Ahmadi, in Mandi Jaranwala. on 18th September, 1952, by a person who was prevented by the doctor from reading objectionable verses from a pamphlet against Ahmadiyyat ;

(6) *hartal* and blackening of faces of men objecting to observe *hartal*, besieging of, and throwing brickbats at, the Dyal Singh College and the throwing of stones at the Ta'lim-ul-Islam College, breaking its main gate, on 16th February, 1953, when Khwaja Nazim-ud-Din came to Lahore;
(7) rioting outside the Muslim League office on 27th July resulting in injuries to 46 policemen and damage to cars ; and
(8) attempt to set fire to an Ahmadi mosque in Muhalla Arazi Yaqub, Sialkot.

NEWSPAPERS

Ceaseless propaganda continued to be carried on in the press throughout this period. The 'Zamindar', which was one of the four papers patronised by Government and which in certain transactions with Government had received a large sum of money, continuously went on writing in support of the demands and against Ahmadiyyat. The 'Azad', an Ahrar paper, did the same; in fact, the differences with the Ahmadis was the main topic in the columns of this newspaper.

THE 'AZAD'

An article of this paper published in the issue of 9th September, 1952, was examined and a prosecution of the editor was considered to be worthwhile, but the Home Secretary, the Chief Secretary and the Chief Minister thought that another warning may be administered and the result thereof watched.

The issue of this paper for 11th September, 1952; called the 'Mutaliba Number', was exclusively devoted to denunciation of the Ahmadis. One important article in it was the poem 'Multan *puchhta hai*' (Multan asks) which eulogised men who had been killed in the Kup firing. This article was examined by the Director of Public Relations on 12th September, 1952, and by the Legal Remembrancer on 17th September, 1952, and though they were both agreed that the publication was actionable, nothing was done in the matter.

The paper also published on its front page a cartoon, which the officer who examined it interprets as follows :—

> "On the title page the paper has published a multicoloured cartoon showing John Bull as a snake-charmer, who is producing snakes from the basket of Ahmadism. One big snake arises from that basket and is shown to have overwhelmed Qadian (represented by a high minaret). From there it wriggles into a hole and reappears at Rabwah in the shape of Mirza Bashir-ud-Din Mahmud, who is shown to be blowing out three big snakes from his mouth. One of those three snakes is shown biting the late Quaid-i-Millat at Rawalpindi; the other one is shown to be sabotaging an aeroplane (implying the Jungshahi air disaster); and the third one, depicted in the shape of Chaudhri Zafrullah Khan, is shown to be threatening to bite the Prime Minister of Pakistan" .

The attention of the Provincial Government was drawn to this cartoon by the Central Government by letter No. 28/43/52-Poll (1), dated 11th October, 1952. The letter stated that it was presumed that the Provincial Government had noticed this cartoon and would take suitable action which would be communicated to the Central Government. In reply, by letter No. 3754-PB-52/985, dated 23rd October, 1952, the Director of Public Relations merely informed the Central Government that the Provincial Government had directed the District Magistrate to send for the Printer-Publisher of the paper and to give him a warning that if he did not desist from publishing matter of this kind, Government would have to suppress the newspaper.

In its issue for 12th November, 1952, this paper published a leader with an enigmatic heading in the form of an interrogation mark, in which it grossly abused the present head of the Ahmadiya community and charged the Government with encouraging infidelity and apostasy. The exact words used by the paper in this respect were : —

> "*Akhir kab-tak ek zani wa sharabi, ghunde aur bad-ma'ash, muftari wa kazib aur* Dajjal *ko is mulk men hamare kan nabi*, Masih-*i-mau'ud aur* Ahmad *wa* Muhammad *ke nam se pukare jate sunte rahenge aur kab-tak ummat ki muqaddas wa mutahhar maon ko ek nang-i-insaniyat aurat ke liye apni qabron men be-chain hona parega, aur kab-tak ambiya', aulia ki tauhin-o-tazlil aur aqaid-o-sha'air-i-din ki ruswai ka tamasha-i-be-hamiyati jari rahe ga. Akhir yeh zindagi be-hayai-o-be-ghairati aur daiyusi ki zindagi nahin to aur kiya hai. Qaum aj mujassam taur par ek sawaliya nishan ban kar khudawandan-i-hukumat aur qaumi zimmadaron ka munh tak rahi hai. Lihaza un-ka farz hai keh woh un-ke jane pahchane sawal ka jald az jald koi mufassal wa mudallal aur do-tok jawab den warnah samajh len keh yeh khamoshi yeh be-itinai-o-be-niyazi, yeh mudahanat-o-taghaful, yeh kufr-o-irtidad parwari aur ghaddar-nawazi ka socha samjha hua sharamnak rawiya ziyada der tak barqarar na reh sakega*" .

(TRANSLATION)

> "After all, for how long will our ears continue hearing an adulterer, drunkard, vagabond, knave. slanderer, liar and Dajjal being called, in this country, a prophet, promised Messiah, Ahmad and Muhammad and how long will sacred and pure mothers of the nation continue to remain restless in their graves for a woman who is a disgrace to humanity ? How long will this disgraceful exhibition of insult and degradation of prophets and saints and debasement of religious beliefs and observances continue ? If this sort of life is not a life of dishonour and shamelessness, what else is it ? Today, the nation is looking expectantly, like a sign of interrogation personified, towards men at the helm of the State who are answerable to the nation. It is, therefore, incumbent on them to give a detailed, reasonable and decisive answer to the well-understood question, otherwise they should bear in mind that their considered, and shameless attitude of silence,

> disregard, carelessness, hypocrisy and negligence and encouragement of disbelief, apostasy and treachery will not last long” .

By its letter, dated 21st November, 1952, the Central Government drew the attention of the Provincial Government to this article and also sent for disposal a complaint in the form of a resolution by the Ahmadiya community of Montgomery respecting it which had been received by the Central Government. The article was considered to be actionable under section 153-A, P.P.C. and section 21 of the Punjab Public Safety Act,, but Mr. Anwar Ali, D. I, G., C. I. D., took the curious view that the Central Government had given no guidance in the matter and that the Provincial Government for some time past had been deploring this attitude on the part of the Central Government. In view of the indifference of the Central Government, he thought, the Provincial Government should not initiate any proceedings and said that he himself would talk to the Editor, Master Taj-ud-Din Ansari, about it. The Home Secretary agreed with this view and the Chief Minister initialled the case.

Again on 10th December, 1952, the Ministry of the Interior, by its D. O.No. 44/9/52-Poll (1), to Home Secretary, Punjab Government, drew the attention of the Punjab Government to the activities of this paper. The letter referred to Home Secretary’s previous letter, D. O. No. 273-ST (HS)/52, dated the 30th October, 1952, and to Mr. Nur Ahmad’s letter in reply to that Ministry’s letter No, 28/43/52-Poll (1), dated the 11th October, 1952, and pointed out that despite several warning which the Provincial Government said had been given to this newspaper, it had continued to indulge in publishing matter which definitely outraged the religious susceptibilities of a class of people in, Pakistan and which was designed to create enmity between different classes of people, and conveying the Central Government’s view that since warnings in the past had had no effect, the Provincial Government should not hesitate to take the only other alternative, namely, to prosecute the paper. The Provincial Government was requested to intimate the action taken to the Ministry at an early date. No action was taken on this letter and the Ministry of the Interior had again to remind the Home Secretary by letter No. 44/9/52-Poll (1), dated 27th December, 1952. This letter referred to that Ministry’s earlier letter of 10th December, 1952 and stated that since the date of that letter another objectionable poem ‘*Dard-mandan-i-Qaum*’ had appeared in the issue of the paper of 21st December., 1952, which attracted the mischief of not only the Press (Emergency Powers) Act and the Punjab Public Safety Act but also of the substantive criminal law of the land. The letter again requested the Provincial Government to inform the Central Government at an early date of the action taken on, this article. This letter was seen by the Chief Secretary as well as the Director of Public Relations, but no further notice of it seems to have been taken.

THE ‘AFAQ‘

The issue of ‘Afaq’ of 19th July under the heading ‘*Qadianiyon ke imam ki ek nihayat afsosnak taqrir*’ reproduced an address by the head of the Ahmadiya community which had been published in the ‘Alfazl’ of 11th January, 1952, and adversely commented upon it, while the issue of 20th July published reports of the celebration of *Yaum-i-Mutalilba* in different places in the Province.

The issue of this paper for 30th July devoted a leader to the discussion of Muslim League's resolution on *khatm-i-nubuwwat*. The article pointed out that one of the demands made of the Provincial Muslim League was that the Mirzais should be declared to be outside the pale of Islam and that the correctness of this demand had been admitted by the Muslim League because in his speech Mr. Daultana had unequivocally declared that, in the unanimous opinion of the Muslim League, Mirzais who did not believe in the doctrine of '*khatm-i-nubuwwat*' were not Musalmans. The article appreciated this declaration and asked if any other responsible leader had ever made such an unequivocal declaration and proceeded to compliment the Punjab Muslim, League and its leader for it. The article explained that while the Muslim League had expressed itself in favour of the demands, it had not taken a decision on the subject because the question, being a constitutional one, related not only to the Punjab but to the whole of Pakistan, and that it was for this reason that the settlement of the issue had been left for the All-Pakistan Muslim League and the Constituent Assembly. The article hoped that the Pakistan Muslim League and the Constituent Assembly would not now hesitate to declare the Qadianis a minority, and drew pointed attention to that part of the resolution which had impressed on Musalmans their religions duty of protecting the life, property and honour of all citizens of Pakistan.

Another article appeared in the issue of 19th July, 1952, which attempted to make the point that the alarming and menacing situation, prevailing in the country was the result of addresses and speeches delivered by Mirza Bashir-ud-Din Mahmud Ahmad and aggressive designs of the Ahmadis.

The issue of 6th August published a selection of objectionable extracts from the 'Alfazl' containing statements by the present leader of the Ahmadiya community, while that of 1st September reproduced Mr. Daultana's speech in Hazuri Bagh.

In the issue dated 28th February there appeared a letter from a contributor, Akbar Muradpuri, in which some questions together with their answers from Ahmadiya writings were published in order to show that Qadianis were a separate *ummat*.

THE 'EHSAN'

The 'Ehsan' of 21st July published an appeal by the Majlis-i-Amal of All Muslim Parties Convention advising the people to remain peaceful despite provocation by the Mirzais and requesting the *imams* of mosques to advise their congregations on next Friday to abstain from creating any disorder. The appeal pointed out that the demands relating to the declaration of the Ahmadis as a minority and for the removal of Chaudhri Zafrullah Khan were constitutional demands which should be pressed in an atmosphere free from breaches of the law.

The issue of 3rd August published a report of resolutions passed in different mosques on Friday the 1st August supporting the stand taken by the All Muslim Parties Convention and expressing the determination to keep the movement peaceful and urging an acceptance of the demands. The speeches made in the mosques also appreciated the resolution of the Punjab Muslim League in which the Mirzais were held to be non-Muslims but expressed dissatisfaction with that part of the resolution in which the demand to declare the Mirzais as a minority was not accepted. The article also published the alarming news that a letter threatening to kill Maulana Abul Hasanat, Maulana Maudoodi, Sayyad Ata Ullah Shah Bukhari., Maulana Ahmad Ali and Maulana Muslim had been received.

The issue of 8th August, 1952, contained an article on ‘Qadiani Nubuwwat’ by Sayyad Faqir Husain Bukhari, M, A., B. T., Professor, Islamia College, criticising Ahmadiya beliefs and promising another outstanding article on the subject in the next issue.

The issue of 10th August contained a leading article in violent denunciation of the Ahmadiya Jama’at and Chaudhri Zafrullah Khan, in which it was sought to prove that the Qadianis were a real danger to Pakistan and that they were not members of the Muslim community, it also contained news that Khwaja Nazim-ud-Din had promised to announce in his Pakistan Day speech on 14th August the acceptance of the demands against the Mirzais and the people were impatiently waiting for this historical announcement.

The issue of 18th August contained a comment on the Prime Minister’s speech on the Pakistan Day, and expressed disappointment on his omission to make any reference to the question of Mirzaeeat which had become a real internal danger in Pakistan. It also appreciated the communique issued by the Government of Pakistan declaring that no Central or Provincial Minister was to preach sectarian doctrines to his subordinates, and deprecated the disorders, processions and public meetings that were being held against the Mirzais and suggested that the issue should be placed in a constitutional manner before the Constituent Assembly of Pakistan and in the form of a resolution before the Council of All Pakistan Muslim League that was about to meet at Dacca.

The issue of 31st January, 1953, published a review on a book ‘Qadiani Fitna’ written by one Atiq-ur-Rahman Chishti. It was alleged in the comments on that book that Mirzaeeat had been deliberately implanted by the British, that it was devastating Islam and that the book exposed false doctrines of a *murtadd* sect and depicted a disgraceful picture of the character of the false prophet of that sect. Similarly the issue of 5th February published a one-column review on Professor Ilyas Burney’s book ‘Qadiani Mazhab’ which was in fact an original comment on Qadiani doctrines.

THE ‘MAGHRIBI PAKISTAN’

In its issue of 3rd August, 1952, this paper criticised the foreign policy of the Pakistan Government which it described as the personal policy of Chaudhri Zafrullah Khan and alleged that Chaudhri Zafrullah Khan had failed in the Kashmir dispute. In the comments under '*Sang-o-Khisht*', the paper taunted Chaudhri Zafrullah Khan by making to him the suggestion that instead of seeking police protection on his next visit to Lahore, he should ask 'Hazrat Sahib' (the head of the Ahmadiya community) to pray for his safety. The issue of 10th August again made sarcastic remarks about the reported resignation of Chaudhri Zafrullah Khan, stating that he had presumably resigned after consulting the '*Paighambarzada*' (sarcastic reference to the head of the Ahmadiya community), because during his ministership whatever he did he always did after consulting the head of his community. In this very issue was published a statement by All Muslim Parties Convention claiming that the efforts of the convention were bearing fruit and appealing for support by extensive propaganda in the form of *tabligh* conferences, deputations and collection of funds. The issue also contained a news item announcing a public meeting under the auspices of the Majlis-i-Amal and the names of the speakers and appealing to the people to come in large numbers to attend that meeting.

The issue of 15th August, 1952, published Maulana Shabir Ahmad Usmani's opinion that Mirza Ghulam Ahmad for his claim to prophethood was a *murtadd*.

The issue of I8th August commented on the Pakistan Government's communique of 14th August and alleged that Government had misunderstood the demands of the Musalmans in respect of the Ahmadis. It stated that Muslims had no fear of Chaudhri Zafrullah Khan's efforts to convert his subordinates to the Qadiani religion but that the demand for his removal was based on the grounds (1) that he was a Mirzai, (2) that he was entirely in the hands of the Khalifa of Qadian, (3) that he could not be loyal to Pakistan, and (4) that he had no associations with the Muslims.

The issue of 1st September contained a report of Mr. Daultana's speech in Hazuri Bagh on 30th August, in which, among other matters, he had spoken on the doctrine of *khatm-i-nubuwwat*, expressing his belief in that doctrine and his further belief that anyone who did not accept the Holy Prophet of Islam as the last of the prophets could not be called a Muslim.

The issue of 27th September published a poem in which the poet advised Muslims to forge a united front against *kufr* and the enemy to fight for the noble cause of *khatm-i-nubuwwat*.

The issue of 29th September contained an account of the interview which some members of the Majlis-i-Amal had had with the Chief Minister of the Punjab, in the course of which under the leadership of Maulana Abul Hasanat they had presented a written representation complaining of the sale of land for Rabwah, indiscriminate allotments to Mirzais, their proselytising activities, their provocative literature and the use by them of Islamic technical terms which had come to be exclusively reserved for particular sacred personalities in Islam.

Mr. Daultana has claimed that from about the third week of July the 'Afaq', the 'Ehsan' and the 'Maghribi Pakistan,' each of which had received a large amount of money from Government, had blacked out the anti-Ahmadiya agitation, but from what we have presently said it will be quite clear that each of these papers continued to write on the subject throughout the period. When Dr. Ishtiaq Husain Qureshi, Minister for Information and Broadcasting, came to Lahore in the later half of July, 1952, it was complained to him that the Punjab Government was itself encouraging the anti-Ahmadiya agitation, and Mr. Hamid Nizami, editor of the 'Nawa-i-Waqt', openly charged Mir Nur Ahmad, Director, Public Relations Department, with complicity in this conspiracy. According to Mr. Nizami, Dr. Qureshi, when he came to Lahore in July or August 1952, invited the editors of some local newspapers to a private tea at which some officials, including Mir Nur Ahmad, and the editors of all important dailies of Lahore were present. In this party the subject of anti-Ahmadiya agitation happened to be discussed, and Dr. Qureshi remarked that the campaign which was being carried on in the press against Chaudhri Zafrullah Khan was detrimental to the interests of the country and was likely to lead to serious consequences. Guests present at the party expressed their own opinions in the matter. Mr. Nizami kept quiet and Dr. Qureshi asked him why he was not expressing his opinion. Mr. Nizami replied that it was futile for him to give his opinion because the campaign was being carried on by newspapers which were being subsidised by Government. On being required by the Doctor to explain what he meant, Mr. Nizami said that the entire agitation had been inspired by Government and that it could be stopped immediately if the Government so liked because the papers which were engaged in the campaign could not afford to disobey the directions of Government. Dr. Qureshi said that he had heard similar rumours before but that he had not been supplied with any concrete facts, Mr. Nizami then pointed to Mir Nur Ahmad and said that he was the arch criminal in the matter because it was he who was having all articles on the movement written. Dr. Qureshi asked Mr. Nizami if he could prove the allegation. Mr. Nizami replied that if Mir Nur Ahmad denied the allegation, he would be willing to prove it, Mir Nur Ahmad heard all this but kept quiet. Questioned by Dr. Qureshi whether he would repeat this allegation before the Prime Minister, Mr. Nizami said that he would. About a month later, Mr. Nizami went down to Karachi and met the Prime Minister who asked him if he could give a list of the articles which had been inspired by Mir Nur Ahmad. Mr. Nizami said that he would do so on his next visit to Karachi. When Mr. Nizami next visited Karachi about a month afterwards, he took with him the file of articles which, according to him, had been inspired by Mir Nur Ahmad, and handed it over to Mr. Mushtaq Ahmad Gurmani, requesting him to show it to the Prime Minister. On a later occasion, when Mr. Nizami was sent for by the Home Secretary, he repeated this allegation before him. A day or two later he did the same before Mr. Qurban Ali Khan and warned him that if things continued as they were, the Province would be ruined. The same complaint was made by Mr. Nizami before the Home Secretary when the latter called a meeting of the editors of newspapers on 27th or 28th February. Mr. Nizami also repeated his allegations before the Governor.

Mr. Nizami had a talk on the subject with Mr. Daultana in September 1952. Mr. Daultana remarked that Mir Nur Ahmad was ruining the Government and that he intended to remove him within a few days, but Mr. Nizami replied that all this was a lie and that he did not believe Mr. Daultana because what Mir Nur Ahmad was doing, was at the instance of Mr. Daultana himself.

Mr. Nizami's evidence is fully corroborated by the evidence of Dr. Qureshi. The Doctor says that he came to Lahore in the later half of July 1952 in connection with a meeting of the Credentials Committee of the Constituent Assembly for the purpose of hearing an election petition. As Minister for Information and Broadcasting, he always made it a point to meet the editors of newspapers in an informal and off-the-record meeting. He also had quite a number of persons coming and visiting him. One such visitor told Dr. Qureshi that the Directorate of Public Relations had been supplying newspapers with articles which were calculated, to fan the agitation against the Ahmadis. The visitor also offered to get for Dr. Qureshi from the office of some newspaper an article in the handwriting of Mr. Chishti, an officer employed in the Department of Public Relations, which would prove that Government had been supplying articles to newspapers. Dr. Qureshi was morally convinced of the truth of the information, but thought that it would not be dignified on his part to utilise his informant for the purpose of what would amount to stealing papers from the records of a newspaper. Some time after this, Mir Nur Ahmad came to see Dr. Qureshi. Dr. Qureshi told Mir Nur Ahmad that the Department of Islamiat which was working under him, had been supplying articles to newspapers relating to anti-Ahmadiya agitation, and confronted him with the fact that the 'Afaq' which was for all practical purposes under the Directorate of Public Relations, had been pressing in its columns the demand that Ahmadis should be declared a minority. Mir Nur Ahmad tried to parry the question, but Dr. Qureshi pressed him and Mir Nur Ahmad then admitted that efforts had been made by him to "canalize" the agitation into certain channels. Dr. Qureshi told Mir Nur Ahmad that this was not canalising but fanning the, agitation. As this was a sufficiently serious matter, Dr. Qureshi thought of mentioning it to Mr. Daultana. The latter asked Dr. Qureshi to tea on 19th July. Dr. Qureshi apprised Mr. Daultana of the complaint that he had received and told him that if the Provincial Government had decided upon a line of action, which was a departure from the previous policy in publicity, it was only fair that Mr. Daultana should have discussed the matter with the Doctor when a few days before they both were at Nathiagali. Mr. Daultana said that what had been done by Mir Nur Ahmad to canalise the agitation, had been done without his knowledge. Dr. Qureshi adds that he considered it rather strange that Mr. Daultana did not know that the Directorate of Public Relations was fanning the agitation, because cuttings of newspapers on this important question must have been placed before him and he must have known that papers which were almost directly under the control of Government, were also engaged in the controversy and had adopted a certain line of action. He was, therefore, surprised when Mr. Daultana told him that this line of action had been taken by the Directorate of Public Relations without his knowledge. Dr. Qureshi also confirms Mr. Nizami's evidence about the incident that happened at the tea party. He deposes that Mr. Nizami alleged at that party that Mir Nur Ahmad was responsible for carrying on this campaign in the newspapers and that Mir Nur Ahmad said nothing to contradict the allegation.

When Dr. Qureshi returned to Karachi, he mentioned the incident to the Prime Minister and expressed his opinion that agitation in the Punjab was being fanned by the Directorate of Public Relations. He also mentioned the talk that he had with Mr. Daultana and expressed his surprise that a department of a Provincial Government should adopt a certain policy in such an important matter without the orders of the Central Government. The incident was also mentioned by Dr. Qureshi to the members of the Cabinet.

This evidence is confirmed by the evidence of Khwaja Nazim-ud-Din. He says that the first time that Mr. Daultana discussed the Qadiani question with him was on 4th August and that in the course of that discussion he pointed out to Mr. Daultana that according to the report he had received from the Information Minister, Mir Nur Ahmad had been supplying material to the various papers in support of the anti-Qadiani movement, Khwaja Nazim-ud-Din pointed out to Mr. Daultana that while all the opposition papers, namely, the ‘Pakistan Times’, the ‘Imroz’, the ‘Nawa-i-Waqt’ and the ‘Civil & Military Gazette’, were silent on this issue, the papers that were controlled by Government and Mr. Daultana himself were fanning the agitation, the worst culprit in this respect being the ‘Zamindar’ which could certainly be controlled by Mr. Daultana if he liked. Mr. Daultana said that the Urdu papers depended for their existence on their circulation and as that was a popular theme and meant increase in their publication, it was very difficult to stop them. He further said that the object of his publicity department was to regulate and control by advice the tempo and virulence of the campaign that was going on in the newspapers. Khwaja Nazim-ud-Din impressed upon Mr. Daultana that the best method of tackling the situation was to prevent the papers from fanning the agitation and that Mr. Daultana could easily do so as these papers depended upon him for their patronage.

Mr. Mushtaq Ahmad Gurmani deposes that on one occasion Dr. Qureshi mentioned to the members of the Cabinet that he had received complaints that the various articles appearing in the Punjab Press were being supplied through agencies which were either controlled or patronised by Government. The witness has also produced a file of newspapers containing several articles in support of the anti-Ahmadiya agitation, which, he says, was handed over to him by Mr. Nizami at Karachi.

Mr. Daultana denies his having ever admitted before Khwaja Nazim-ud-Din that the publicity department of the Punjab Government had been attempting to control the tempo of the writings in newspapers by supplying articles to them. Mr. Nur Ahmad does not specifically deny that he used the word ‘canalise’ in his conversation with Dr. Qureshi, though he denies that he ever contributed or directed any one in his department to contribute any article to the press on the subject of anti-Ahmadiya movement. For reasons which we will record in full while formulating our conclusions, we have no doubt whatsoever that Mir Nur Ahmad did attempt to canalise the movement and that Mr. Daultana could not have been unaware of this policy.

The tempo of the agitation now began rapidly to rise and it assumed alarming proportions. Government became the target of the attack, and indirect and veiled references to its corruption, inefficiency and indifference to the condition of the masses began to be made. By his D. O. letter No. 14682-BDSB., dated the 21st October 1952, the Home Secretary to the Government of Punjab sent the following account of the existing situation to the Deputy Secretary to the Ministry of the Interior :—

"A note on the developments of the Ahrar-Ahmadi agitation in the Punjab since the 1st of August J 952, in continuation of the previous note prepared by Malik Habib Ullah on the 30th of July 1952.

"The firing incident at Multan on the 20th of July last gave a fillip to the Ahrar agitators and their supporters to intensify their agitation against the Ahmadis on the *khatm-i-nubuwwat* issue and their public meetings grew in frequency and number all over the Province. When the other parties, such as the Jama'at-i-Islami, the Islam League and the Shias observed that the Ahrar were stealing a march on them in winning over the public opinion in their favour on the *khatm-i-nubuwwat* question, they joined them in their denunciations against the Ahmadis in right earnest in the beginning of August last. The Jama'at-i-Islami added a ninth demand to their eight demands that the Mirzais should be declared a separate minority community and Sir Zafrullah Khan should be removed from his office. The workers of the Islam League also started stressing in the course of their speeches that the Mirzais should be declared a separate minority and Sir Zafrullah Khan should be removed from his office. The Shia leaders also stressed in the course of their meetings that they agreed with the Ahrar in their demands that the Mirzais should be declared a separate community and Chaudhri Zafrullah Khan should be removed from his office.

"2. The *khatibs* of all important mosques in cities and towns made it a routine to repeat the usual demands against the Ahmadis in the course of their Friday sermons that the Mirzais should be declared a separate community, Chaudhri Zafrullah Khan should be removed from his office, Rabwah should be declared a town open to all Muslims and its land should be distributed among refugees. There was no important mosque in which these demands were not repeated on Friday gatherings.

"3. Maulana Abdul Hasanat Muhammad Ahmad Qadri, Sheikh Husam-ud-Din, Master Taj-ud-Din, Muzaffar Ali Shamsi and Maulana Murtaza Ahmad Khan Maikash waited on me Honourable Prime Minister at Karachi on the 16th of August and apprised him of their demands concerning the Ahmadis. On their return they held a public meeting at Multan on the 19th of August and another at Lahore on the 23rd of August and disclosed that the Prime Minister told them that the agitation against the Ahmadis was only confined to the Punjab, and the other Provinces were free from it. The All Muslim Parties Council of Action accordingly decided to collect more funds and spread their anti-Ahmadi propaganda in the North-West Frontier Province, Sind and East Bengal with the object of overwhelming the Central Government to accede to their demands. In pursuance of this decision Sayyad Ata Ullah Shah Bukhari and Qazi Ehsan Ahmad Shujabadi toured in the North-West Frontier Province in the month of August and made a series of speeches against the Ahmadis. The result of all this heated agitation was that the Ahmadis started losing their nerve and found themselves in a somewhat difficult position. Their social and commercial boycott was also urged by the Ahrar workers and *mullas* in the course of their speeches and sermons. In fact, the agitation started by the Ahrar passed into the hands of the *mullas* and the latter found the *khatm-i-nubuwwat* issue a good subject for sermonising in their Friday gatherings in mosques.

“4. When the Ahrar agitation against the Ahmadis was at its height in the first fortnight of August last, secret information came to hand that some Ahmadis were forsaking their sect for fear of life and property as a result of pressure brought to bear upon them due to the Ahrar agitation and according to reports received from the districts of this Province 115 Ahmadis seemed to have forsaken their sect and reverted to Sunnism and 11 Ahmadis left their homes for Rabwah or other places during the months of July and August 1952. The number of forcible conversions of Ahmadis decreased by the end of August.

“5. According to a report submitted by the Superintendent of Police, Gujranwala, two male teachers and four female teachresses who were Ahmadis and were serving in the Municipal Board High and Middle Schools at Wazirabad were given a notice by the Wazirabad Municipality on 27th July 1952, that their services had been terminated. This was the result of the Ahrar agitation. The Deputy Commissioner of the Gujranwala district, however, suspended this resolution of the Wazirabad Municipal Committee on 4th March 1952.

“6. As a result of the Ahrar agitation against the Ahmadis a number of new bodies called ‘Majlis-i-Tahaffuz-i-Khatm-i-Nubuwwat’, ‘Majlis-i-Khuddam-i-Rasul’ and ‘All Muslim Parties Convention’ were formed at all important cities and towns to push the agitation against the Ahmadis on the *khatm-i-nubuwwat* issue. The object of all such bodies was side by side to collect subscriptions to finance the movement. Maulana Akhtar Ali of the ‘Zamindar’ appealed to the audience on the occasion of the last Idu’z-Zuha at Karamabad, his home, to collect one crore of rupees to make the *khatm-i-nubuwwat* movement a success. The All Muslim Parties Council of Action of Lahore which was set up in July last to fight the *khatm-i-nubuwwat* issue had a balance of Rs. 24,211-2-0 in its name in the Industrial Co-operative Bank of Lahore in September last.

“7. The Ahrar and their supporters collected a large number of skins of the animals which were slaughtered on the last Idu’z-Zuha worth Rs. 46,402 for financing their agitation against the Ahmadis from the whole of the Province. By means of other contributions they collected roughly

Rs.51,107 during the last six months for carrying on the anti-Ahmadi agitation.

“8. The Ahrar and their supporters were entertaining great hopes that their agitation would bear fruit and the Honourable Prime Minister of Pakistan would proclaim in his speech on the 14th of August that their demands against the Ahmadis had been accepted but they and their followers were all greatly disappointed when the Honourable Prime Minister announced in his broadcast of the 14th of August that sectionalism and sectarianism were to be avoided in the interests of the solidarity of the Pakistan State. The Ahrar leaders and their supporters were further disappointed when the Honourable Chief Minister of the Punjab clearly stated in his speech he delivered at Lahore on the 30th of August and in another speech he delivered at Rawalpindi on the 11th of September that there was no justification for declaring the Ahmadis a separate community and that sectionalism and sectarianism led to disruption and should be suppressed.

“9. Mr. Justice Kayani’s findings on the Multan firing further disheartened the Ahrar workers and their supporters and had a very healthy effect on the general masses as well as the services.

“10. The present position is that the agitation led by the Ahrar against the Ahmadis has lost its previous force and charm among the public and the *mullas* who were their chief exponents are feeling rather despaired. The Ahrar are, however, at present holding a series of conferences all over the Province to keep their agitation alive and collect as much money as they can to enable them to move about and have a good time. Some of the Ahrar speakers were reported to have said in the course of their speeches that the Mirzais were *murtadds* and were ‘*wajibu’l-qatl*’ (fit to be killed) according to the tenets of Islam.

“11. Mufti Zia-ul-Hasan, a notorious Ahrar worker of Montgomery, who is a cousin of Habib-ur-Rahman of Ludhiana, filed a complaint in the A.D.M.’s Court on 30th March 1952 at Montgomery against Mirza Mahmud Ahmad, the head of the Ahmadiya sect, Roshan Din Tanvir, the editor of the daily ‘Alfazl’ and Masood Ahmad, the printer and publisher of the ‘Alfazl’, for having published in the ‘Alfazl’ of the 15th of July 1952, an article headed ‘*Khooni Mulla ke akhri din*,’ under sections 302/115/505, P.P.C. The case is proceeding in Court. Six prosecution witnesses have been examined so far and the last hearing of the case came off on the 8th of October 1952.

“12. The Ahrar and their supporters published a large number of pamphlets and posters during the last two months to prove that Mirza Ghulam Ahmad was a liar and a false prophet. In the same way, the Ahmadis published a large number of posters and pamphlets to prove that they believed in the Holy Prophet's 'finality of prophethood' and that the Ahrar were the enemies of Pakistan.

"13. In the two public meetings held respectively at Lahore and Lyallpur under the auspices of the Jinnah Awami Muslim League on the 11th and 13th of September, some of the speakers found fault with the Ahmadiya sect and Chaudhri Zafrullah Khan's unsuccessful policy as Foreign Minister and urged his removal from his office but they did not clearly favour the declaration of the Mirzais as a separate community.

"14. According to a recent secret report the active members of the All Muslim Parties Council of Action of Lahore were not unanimous on their future line of action. The group that favours taking direct action against the Government to compel it to accede to their demands consists of Sheikh Husam-ud-Din of the All Pakistan Majlis-i-Ahrar, Nasarullah Khan Aziz and Amin Ahsan Islahi of the Jama'at-i-Islami, Maulana Daud Ghaznavi of the Ahl-i-Hadith and Abdul Haleem Qasimi of the Jami'at-ul-Ulama-i-Islam. The other group that is in favour of carrying on the agitation in a constitutional and peaceful way consists of Master Taj-ud-Din Ansari of the All Pakistan Majlis-i-Ahrar, Maulana Abul Hasanat Muhammad Ahmad Qadri, Ghulam Muhammad Tarannum of the Jami'at-ul-Ulama-i-Pakistan, Maulana Muhammad Arshad Panahvi of Hizb-ul-Ahnaf, Hafiz Kifayat Husain and Muzaffar Ali Shamsi of the Shia party and Maulana Akhtar Ali, proprietor of the 'Zamindar'. Sheikh Husam-ud-Din discussed this question with Master Taj-ud-Din on the 28th of August and informed him of the views of the members of his group. He told Master Taj-ud-Din that the members of the Jama'at-i-Islami, the Jami'at-ul-Ulama-i-Islam and the Anjuman-i-Ahl-i-Hadith did not approve of the present policy of the All Muslim Parties Council of Action and protested that if the All Muslim Parties Council of Action was to pursue a weak-kneed policy they would have nothing to do with it. Master Taj-ud-Din replied that if propaganda against the Ahmadis was extended to the other Provinces of Pakistan, their demands against the Ahmadis would be accepted by the Central Government. Master Taj-ud-Din also told Sheikh Husam-ud-Din that Maulana Abul Hasanat Muhammad Ahmad Qadri did not favour any direct action and possessed much influence and his views were to be respected. Master Taj-ud-Din told Sheikh Husam-ud-Din that they should not be befooled by the dictates of the Jamat-i-Islami as its policy was to create difficulties for the Government of the time. Sheikh Husam-ud-Din was of opinion that processions should be taken out and arrests courted in order to force a decision on the Government's part. It was finally agreed that the new programme should be put up before the Council of Action for consideration. Master Taj-ud-Din commands the confidence of the majority of the members of the All Muslim Parties Council of Action. It may be added at this place that Sheikh Husam-ud-Din is a firebrand and represents a group in the Pakistan Majlis-i-Ahrar which favours secession from the Muslim League and open opposition. The activities of the elements which are in favour of direct action will be closely watched as their chief object appears to be to bring into disrepute the political party in power and thus add to their own prestige at its cost. There can be no objection to constitutional activity of any kind however futile and absurd it may be but no Government, would permit the defiance of authority and a threat of direct action. According to the present policy legal action is not being taken against those Ahrar speakers and *mullas* who make nasty and provocative speeches inside mosques.

The general impression at present is that the Ahrar agitation has lost its edge but its protagonists are trying to keep it alive by means of holding meetings and repeating their hackneyed arguments and demands. Maulana Akhtar Ali Khan, proprietor of the 'Zamindar', Master Taj-ud-Din and Sheikh Husam-ud-Din are now playing with a scheme to collect rupees one crore by means of selling small printed receipts purchasable for one rupee each for financing the *khatm-i-nubuwwat* agitation. The proverb that 'money makes the mare go' holds good in the case of the Ahrar agitation and so long as the leaders of this agitation continue to collect money from the people their agitation will not end.

"16. As directed by the All Muslim Parties Council of Action of Lahore '*Yaum-i-Ihtijaj*' (Protest Day) was observed all over the Punjab on Friday, the 3rd of October, 1952, and the *khatibs* of important mosques repeated in the course of their Friday sermons that Mirzais should be declared a minority community, Zafrullah Khan should be removed from his present office and should not be given any other important office, Rabwah should be declared a town open to all Muslims, the land of Rabwah should be distributed among refugees, Mirzais should be removed from high offices and the objectionable Mirzai literature should be forfeited. Similar demands were repeated in the public meetings which were held under the auspices of the All Muslim Parties Convention of Lahore on the 3rd of October.

"17. The 'Azad', an Ahrar organ, and the 'Zamindar' of Lahore are, continuing to write vilifying articles against the Ahmadis and their sect."

On 22nd October Mr. Anwar Ali, D.I.G., C.I.D., summed up the position as follows : —

“The main features of the agitation are as follows : —

“(1) M. Akhtar All Khan is materially supporting the agitation. At his instance it has been decided to print ‘notes’ worth a crore which will be sold to the public and a fund built up for anti-Ahmadi agitation.

“(2) The tone of the speeches generally is marked by obscene, abusive and indecent references against the Ahmadis.

“(3) Social boycott and victimisation by other means have also been advocated. At Kabirwala the servants of the local Naib-Tehsildar were prevented from making their day-to-day purchases. At Wazirabad the Municipality at the instigation of the Ahrar, dismissed two female school teachers who were Ahmadis. The D. C. is taking steps to get the resolution cancelled.

“(4) A number of Ahmadis as a result of the odium aroused against their community have been forced to send their families to Rabwah and quite a number have abandoned the Ahmadi faith. It is not known to what extent the decisions were voluntary and to what extent dictated by expediency.

“(5) Ignorant and illiterate *mullas* in the districts have taken the cue and have begun to attack the Ahmadis even in remote places of the Province. The movement is not constitutional and objectionable methods are being used for its advancement.

“(6) A number of Ahmadi women and children have secured permanent settlement permits from the Indian Deputy High Commissioner and will leave Pakistan for good. These women and children want to join the Ahmadis who stayed behind at Qadian in spite of the post-partition riots. The Indian Government readily issued permanent settlement permits.

“(7) Anti-Government elements such as the Jama’at-i-Islami (the Jama’at has increased its eight demands to nine, the ninth being the declaration of the Ahmadis as a minority), the Islam League (it is particularly active at Rawalpindi), and individual opponents of the Government such as M. Abdus Sattar Niazi, have thrown their weight on the side of the agitators.

“(8) The significant feature is that after attacking the Ahmadis, most of the speakers run down the Government and accuse it of inefficiency, corruption, food situation, etc. This inclines one to the view that the anti-Ahmadi agitation is used as a device for mobilising public opinion with a view to ultimately arousing contempt and hatred against Government.

This is very important to note.

(Sd.) QURBAN ALI KHAN—23/10

"(9) At Rawalpindi much mischief was done because a secret letter in which a particular commanding officer had criticised the Ahmadis was filched from the office and published openly. One of the clerks (incidentally he belongs to the office of the D. D. M. I.) in the course of his statement made wild allegations against Ahmadi officers.

These tendencies will spread and bring disaster in their wake. The whole of our machinery will go to pieces.

(Sd.) QURBAN ALI KHAN

"(10) Although according to the latest information the Ahrar leaders feel a bit tired of their agitation, there has been no reduction in the number of meetings addressed in the mofussil.

"2. My opinion is that the Ahrar agitation has dangerous potentialities. It has diverted the attention of the simple and ignorant masses from the essential issues which face Pakistan. It is essentially destructive and has emphasised sectarian differences at a time when all ranks should have drawn closer to each other".

Mr. Qurban Ali Khan, Inspector-General, made some important comments on this note which will be found on the margin and forwarded it to the Governor with the remark that if the agitation were allowed to go on in that fashion, the Government would one day be faced with serious trouble and that though it was easy to control the trouble now, it might become a difficult problem later. The Governor saw this note and signed it but no further notice of it seems to have been taken.

Mr. Anwar Ali again reviewed the situation while commenting on the Lahore Daily Diary dated 15th December 1952 and pointed out that the situation described in that diary was typical of what was going on all over the country. He said:

"The Lahore Daily Diary dated 16th December 1952 has probably been seen by Government already. It is typical of what is going on all over the country. Anti-Government propaganda has been intensified of late and the food situation is being vigorously exploited. Government is being ruthlessly abused, maligned and defamed- The confidence of the public is being sedulously destroyed and confusion and panic are spreading. In all circles, business, service, etc., fierce criticism is being levelled against Government. In railway trains, private gatherings and at social functions there is one topic which arouses the deepest interest and that is anti-Government talk. Members of the League and Government servants are no exception and indulge liberally in such talks. People who return from Karachi, bring a grim picture, and say that Secretariat officers and other high-ups seem to have lost faith in the future and talk as if a collapse is imminent. The position is desperate and if the nation is to be saved from chaos and anarchy, effective measures should be taken without delay. it is

> true that some of the problems which face the country are stupendous but nevertheless an effort must be made. The situation is not as hopeless as some people are apt to believe.
>
> * * * * * * * *
>
> (3) *Faith in the future*—If a patient knows that his disease is curable and that everything is being done to rid him of his disease effectively and quickly, he acquires courage and puts up a better resistance. If on the other hand the patient know that his disease is not curable and that steps are not being taken for his proper treatment, he dies an earlier death. The anti-Government propaganda carried out by the opponents of the Government and other destructive elements has destroyed faith in the future. Quite a large proportion of the people are becoming pessimistic and feel that the situation is too far gone and cannot be successfully retrieved. Publicity could easily be organised and faith in the future built up.
>
> * * * * * * * *
>
> (6) *Mullaism*—There is no doubt that most of the *mullas* rise from a class which is without education and has an extremely narrow outlook. The *mullas* have been built up by politicians themselves and instead of behaving as their supporters have turned on the very forces which created them. They are out to seek power for themselves and are the enemies of progress. An intelligent and educated class of *mullas* should be created and in the meantime the leaders should, when making speeches, not make promises in the religious fields which they know they cannot honour."
>
> * * * * * * * *

MORE SPEECHES: POLICY RECONSIDERED

It is necessary to examine at this stage some cases because these were disposed of together by an order passed at a conference of officers on 24th December 1952. These are the Gulu Shah Fair case [File No. 16 (19) 145], the Lyallpur and Samundri cases [File No. 16 (2) 127], the Rawalpindi case [File No. 16 (2) 129] and the Shujabad case [File No. 16 (2) 130].

There is held every year at village Koreke within the jurisdiction of Police Station Satrah in the district of Sialkot a cattle fair called Gulu Shah Fair. In. 1952, the fair was held from 3rd to 10th October 1952 where a large number of men with their cattle had assembled. The Ahrar embraced this opportunity to call a meeting of All Muslim Parties Convention and to pour out their usual stuff to the people thus assembled. Some of the leaders spoke on 3rd and others on 7th October. The subject of the speeches was of course Ahmadiyyat and since these were calculated to spread sectarian hatred and were *prima facie* actionable, they were ordered by the Superintendent of Police to be examined by Mr. Abdus Said, Prosecuting Deputy Superintendent of Police. After careful examination of each speech, Mr. Abdus Said gave his opinion as follows : —

(1) That the speech made by Maulvi Karamat Ali on 7th of October 1952, in which he said Mirza Ghulam Ahmad had described the Musalmans as sons of prostitutes and their women as bitches and those who did not believe in him as sons of prostitutes, was actionable under section 21 (3) of the Punjab Public Safety Act as it was likely to further activities prejudicial to the public safety and the maintenance of public order on the part of the Musalmans who are non-Ahmadis.

(2) That the speech of Maulana Bashir Ahmad, Sadr, Majlis-i-Ahrar, Pasrur, made on the same occasion, in which he had referred to an alleged incident in which one Dr. Ehsan Ali had committed rape on Salma Begum, sister of the wife of Mirza Bashir-ud-Din Mahmud Ahmad, and had by an order of Mirza Bashir-ud-Din Mahmud Ahmad been punished with ten strokes of shoes, and in the course of which speech he had asked whether it would be proper if somebody else were punished with ten strokes of shoes for committing rape with a woman of the family of another person, and described the Mirzais as *murtadds* who were liable to be killed according to *shara*' was punishable under clauses (1) and (3) of section 21 of the Punjab Public Safety Act.

(3) That the speech made by Qazi Manzur Ahmad on the same occasion on 3rd October 1952, in which he had reproduced with some distortion certain sayings of Mirza Ghulam Ahmad, including the saying that Mirza Ghulam Ahmad had conceived from God and that those Musalman men who did not believe in him were swine and those Musalman women who did not accept his claim bitches, and in which the speaker had further alleged that Khwaja Nazim-ud-Din was responsible for the prevailing famine and he was a supporter of Mirzais was actionable under clauses (I), (2) and (3) of section 21 of the Punjab Public Safety Act.

Mr. Abdus Sami, Public Prosecutor, agreed with this opinion. Armed with this legal opinion, the S. P. referred the matter to the District Magistrate, requesting him to obtain the approval of the Provincial Government for prosecution in accordance with the instructions contained in paragraphs 2 and 7 of the decisions taken at the conference of officers held under the chairmanship of the Chief Secretary on 5th July 1952. Mr. Ghulam Sarwar Khan, the District Magistrate, forwarded this reference to Government through the Commissioner, by his letter, dated the 18th November 1952. The case was examined by Mr. Nazir Ahmad, S. P. (B), who by his note, dated 18th November 1952, suggested that instead of instituting cases against them, Bashir Ahmad and Manzur Ahmad should be arrested under section 3 of the Punjab Public Safety Act. Mr. Anwar Ali, D.I.G., C.I.D.. examined the records of these two individuals and on 22nd November

1952 submitted the case to the Home Secretary expressing the opinion that no opportunity should be lost to prosecute disruptionists who were trying to undermine the stability of the Slate and that if people realised that action would be taken in respect of speeches which offended against the law, greater restraint would be shown. On this the Home Secretary noted on 21st November 1952 that the Chief Minister intended to discuss the whole situation relating to the anti-Ahmadiya agitation with officers on his return from Karachi and that this case could also be discussed in that meeting. He remarked, however, that many another objectionable speech in this connection had come to his notice regarding which it was considered that the best course would be to leave it alone.

At Lyallpur the *khatm-i-nubuwwat* conference was held under the auspices of the All Muslim Parties Convention on 26th and 27th September 1952 and another public meeting under the same auspices at Samundri on 28th September 1952. Among the speakers at Lyallpur were Mirza Ghulam Nabi Janbaz, Master Taj-ud-Din Ansari, Sahibzada Faiz-ul-Hasan, Sheikh Husam-ud-Din, Taj Muhammad of Lyallpur, Muzaffar Ali Shamsi and Maulana Daud Ghaznavi. In the course of his speech Sahibzada Faiz-ul-Hasan was reported to have remarked that Mirza Ghulam Ahmad was a man of cheap morals and deserved to be prosecuted under the Goonda Act for having attacked the modesty of Hazrat Bibi Fatima. He also described Chaudhri Zafrullah Khan as a *goonda*. He further said that Mr. Muzaffar Ahmad, who was an Ahmadi and a son-in-law of Mirza Mahmud Ahmad could not be appointed as Finance Secretary to Government, Punjab. Sheikh Husam-ud-Din described Chaudhri Zafrullah Khan as *khabis* and stated that there were few chances of Pakistan’s betterment so long as he was the Foreign Minister. Sayyad Ata Ullah Shah Bukhari said something about Queen Victoria and Queen Elizabeth which had better be left unmentioned. He attributed the air crash near the Lahore Cantonment and the Jangshahi air crash which resulted in the death of Generals Iftikhar Khan and Sher Khan to Mirzais. The speakers at the Samundri conference were Sayyad Muzaffar Ali Shamsi, Master Taj-ud-Din Ansari, Sheikh Husam-ud-Din, Sayyad Ata Ullah Shah Bukhari, Ghulam Nabi Janbaz and Ghazi Muhammad Hussain of Chak No. 423, Sayyad Ata Ullah Shah Bukhari in his speech alleged that Hakim Ghulam Murtaza, the father of Mirza Ghulam Ahmad, had contributed fifty horsemen to Sardar Nau Nihal Singh to fight against the Muslim King, Bahadur Shah, in the battle of Bala Kot.

While commenting on these speeches Mr. Anwar Ali, D. I. G., C. I. D., remarked on 28th October 1952 that the reference to Queen Victoria and Queen Elizabeth was objectionable, that the allegation that the Mirzais had anything to do with the Jangshahi or the Lahore Cantonment air crash was false because one of the persons killed in the former, General Sher Khan, was himself a Mirzai, that the speeches of the Ahrar leaders were not only venomous but indecent and offensive, that there was no decrease in the number of conferences and hatred continued to be preached and that he did not see why for such mischievous speeches some kind of ban should not be imposed on Sayyad Ata

Ullah Shah Bukhari. He added that the intelligentsia were getting tired of such speeches which were corrupting the whole nation. The Home Secretary on 29th October expressed the view that time had come when Government should review the whole position because the tone and tenor of the speeches delivered by the Ahrar leaders was marked by their mischievous and highly objectionable nature. He recommended that the Chief Minister should call a meeting of officers when he was free from the forthcoming Muslim League Conference at Lyallpur and that till then no action should be taken. On 31st November, the Secretary to the Chief Minister noted on the file that the Chief Minister desired that this case should be put up to him after his return from Lyallpur.

The public meeting at Rawalpindi under the auspices of the All Muslim Parties Convention was held from 14th to 16th November 1952, the prominent speakers being Master Taj-ud-Din Ansari, Sheikh Husam-ud-Din, Sayyad Ata Ullah Shah Bukhari, Ehsan Ahmad Shujabadi and Muhammad Ali Jullundri.

Master Taj-ud-Din Ansari in his speech accused Chaudhri Zafrullah Khan of anti-State and anti-Islam activities and alleged that he would have to face a trial in Court on these charges. He said that Chaudhri Zafrullah Khan was a British agent and a *murtadd*, that he was not sincere to Khwaja Nazim-ud-Din and that Mirzais should be socially and economically boycotted. Ehsan Ahmad Shujabadi described the movement as a struggle between *wafadars* and *ghaddars* and between *sadaqat* and *kufr* and gave expression to the view that violence could be used for protection of Islam though not for its propagation. Hafiz Muhammad Said said that Khwaja Nazim-ud-Din was a *hato* (derisive term for a Kashmiri) like him and owed his position to pro-British activities and that he was responsible for the lives of 2½ lac victims of famine in Bengal. He also described Chaudhri Zafrullah Khan as a *kafir*. He further alleged that drinking, dishonesty, immorality and corruption were on the increase in Pakistan and that Ministers were travelling without ticket. He warned the authorities that if the unanimous demands of the Musalmans were not accepted they shall have to accompany Mirza Ghulam Ahmad on the Doomsday as surely as pharaoh shall have to ride a pig. Sheikh Husam-ud-Din alleged that the Mirzais had helped the British during the 1857 Mutiny with arms and horsemen and that Mirza Ghulam Ahmad's forefathers had joined the Sikh forces against Shah Ismail Shahid at Bala Kot. Sayyad Ata Ullah Shah Bukhari said that the Mirzais intended to re-unite India and Pakistan. Muhammad Ali Jullundri alleged that Mirza Ghulam Ahmad and all his followers were *zindiqs* about whom the Holy Prophet had ordained that if any one killed them he was equal to 100 martyrs in spirituality. He suggested that the epithet *kazzab* should be used with the name of Mirza Ghulam Ahmad and alleged that 722 Muslims had become Mirzais in the Railway Department when Chaudhri Zafrullah Khan was Railway Member to the Government of India and that Mr. Ijaz Ahmad, Import and Export Officer, Karachi, and Mr. Farooqi, Chief Secretary, Sind Government, were propagating Mirzaeeat in the course of their official duties.

When the case came up to Mr. Nazir Ahmad, S. P. (B), he, on 24th November 1952, wrote that a case against Muhammad Ali Jullundri had been pending investigation under section 21 of the Punjab Public Safety Act for the Speech made by him in the district of Montgomery and that he was inquiring from S. P., Montgomery, what had happened to that case because it did not help the administration to register a case against a bad political speaker and not to send it to Court for a long time. He also remarked that it was time that Muhammad Ali Jullundri, who was one of the worst speakers among the Ahrar, were prosecuted or detained under the Punjab Public Safety Act. On 25th November 1952, Mr. Anwar Ali, D. I. G., C. I. D., submitted the case to Government for information and noted that the Chief Minister had directed that on his return from Karachi he would discuss how to deal with militant sectarian speakers.

The Khatm-i-Nubuwwat conference at Shujabad in the district of Multan was held on 19th and 20th November 1952, the important speakers on that occasion being Maulvi Muhammad Ali Jullundri, Mirza Ghulam Nabi Janbaz, Sheikh Husam-ud-Din, Maulvi Ghulam Ghaus Sarhaddi, Qazi Ehsan Ahmad Shujabadi and Sayyad Ata Ullah Shah Bukhari. Maulvi Ghulam Ghaus in his speech remarked that Mirza Ghulam Ahmad used to get his legs kneaded by women one of whom was named Bhano, that he was fond of looking at naked women and that his son (Mirza Bashir-ud-Din Mahmud Ahmad) had admitted that he used to take liquor. Maulvi Muhammad Ali Jullundri described Mirza Ghulam Ahmad as '*ullu ka patha*' and said that the mother of Khwaja Nazim-ud-Din could consider herself to be fortunate in having her son as the Prime Minister but the country was unfortunate because the Prime Minister could not understand things. Sayyad Ata Ullah Shah Bukhari again made some reference to Queen Victoria.

The case came up to Mr. Anwar Ali who recorded the following note on it on 8th December 1952: —

> "I brought to Government's notice, once before, a speech which Sayyad Ata Ullah Shah Bukhari made at Lyallpur in which he made indecent and rude remarks against Queen Victoria. At Shujabad, once again, he has made foul and obscene references to Queen Victoria.
>
> 2. Muhammad Ali Jullundri went to the extent of describing the founder of the Ahmadiya faith as '*ullu ka patha*'. Can we blame the Ahmadis if they resent such remarks and flare up ? If they take offence and do anything, the Ahrar will further intensify Ahmadiya baiting. One incident will lead to more bitterness and the vicious cycle will never end.
>
> 3. Government may agree to warnings being issued once again to the Ahrar leaders particularly Sayyad Ata Ullah Shah Bukhari and Muhammad Ali Jullundri. Government should not tolerate such vile speeches, for the public is being corrupted. The proper course should be to prosecute both these leaders but as the Central Government declines to define its attitude

towards the Ahrar and the Punjab Government cannot act unilaterally, I suggest that a warning by H. S. or C. S. should be administered.

4. I am becoming more and more convinced that the Ahrar are not working to help Pakistan and Islam. Their object is to prepare the ground for the next elections when they will emerge as an anti-League party or as a distinctive group within the League."

The Home Secretary marked the case for information to the Chief Minister saying that a meeting of officers to review and consider the whole question had already been fixed. When the file was received by Mr. Anwar Ali, he required S. P. (A) and S. P. (B) to speak to him with a view to drawing up a list of points which were to be placed in the meeting of officers that was to come off in the next few days. In compliance with this, Mr. Nazir Ahmad, S. P. (B), wrote the following note: —

"In addition to this file and the file placed below to which are attached two placards concerning the boycott of the Mirzais and keeping separate utensils for Mirzais the following files are added: —

(1) The file containing the speech of Bashir Ahmad, Manzur Ahmad and Karamat Ali of the Sialkot district in which Bashir Ahmad said that a sister-in-law of Mirza Mahmud Ahmad was raped by Dr. Ehsan Ali and he was only awarded ten strokes of shoes and that if Daultana helped the Ahmadis he would be confronted with shoes. The other speakers abused Mirza Ghulam Ahmad publicly.

(2) The file containing the speeches of Iftikhar-ul-Hasan of Lyallpur. In his speech he made on the 8th of August he said that they had no faith in the officers of the '*ghaddar*' Government like Mumtaz Muhammad Daultana, Sir Zafrullah Khan and Khwaja Nazim-ud-Din. In his speech he made on the 29th of August Maulvi Iftikhar-ul-Hasan remarked that Najaf Khan was responsible for Shams-ul-Haq's murder and the murder of the late Khan Liaquat Ali Khan and that of the late Sahibzada Itzaz-ud-Din Ahmad Khan. Iftikhar-ul-Hasan was administered a warning by the Deputy Commissioner of Lyallpur at the Home Secretary's suggestion.

(3) The file containing the speech of Maulvi Abdul Khanan of the Campbellpur district in which he said that the Mirzais were fit to be murdered and Khwaja Nazim-ud-Din was a *kafir*, a *murtadd*, a fool and an ignorant person. This Maulvi was also warned through the Deputy Commissioner, Campbellpur.

(4) The file containing the speech of Khan Abdus Sattar Khan Niazi, M. L. A., he made at Jhang on 20th September 1952, in which he not only criticised

the Ahmadis but also remarked that police constables and Government clerks were finding it difficult to make both ends meet on account of their low salaries and further said that Daultana was a dacoit and was robbing the nation. Government finally decided not to take any action against Abdus Sattar Khan Niazi.

(5) The file containing the proceedings of a public meeting held by the All Muslim Parties Convention at Rawalpindi from the 14th to the 16th of November 1952. In this meeting Master Taj-ud-Din and Muhammad Ali Jullundri made violent speeches and Muhammad Ali Jullundri remarked that Mirza Ghulam Ahmad and all his followers were *zindiqs* and that anybody who killed a false claimant to prophethood was equal to 100 martyrs in spirituality.

2. The Ahrar speakers need to be discouraged from speaking disparagingly against Chaudhri Zafrullah Khan and the founder of the Ahmadiya sect in public meetings. They usually refer in their speeches to Mirza Ghulam Ahmad as a Dajjal, a liar and a womaniser and to Chaudhri Zafrullah Khan as a traitor and an enemy of Pakistan.

3. The Ahrar speakers try to impress upon the people that it was a great disgrace of the Holy Prophet if some people like the Ahmadis considered Mirza Ghulam Ahmad as a prophet. In this way the common man’s sentiments are played upon and he is incited to acts of violence against the Ahmadis.

4. The Ahrar speakers are now concentrating upon the social and commercial boycott of the Ahmadis by ostracising them as non-Muslims and encouraging shopkeepers to show boards on their shops that separate utensils are maintained by them for the Ahmadis.

5. The Ahrar speakers are also trying to incite Muslims not to allow the Ahmadis to bury their dead Ahmadis in their graveyards.

6. The Ahrar speakers have been trying to press upon the people that the Prime Minister of Pakistan and the Chief Minister of the Punjab are supporting the Ahmadis and that is why they have not acceded to their demands of declaring the Ahmadis as a separate community and turning out Chaudhri Zafrullah Khan from the Pakistan Cabinet.

7. The Ahrar speakers have been trying to emphasise in their speeches that the Mirzais should not be allowed to hold key posts in the Pakistan Army or other services. In this way they have been trying to foster communalism between the Ahmadis and other Muslims in the service.

8. The Ahrar speakers have been openly preaching that Mirza Mahmud Ahmad of Rabwah and his followers are not loyal to the Pakistan State and they are anxious to re-unite Pakistan with India as Qadian, where the founder of their sect is buried, is in India and they are anxious to go back to Qadian.

9. The Ahrar speakers have also been preaching time and again that it was due to the treachery of Mirza Mahmud Ahmad and Chaudhri Zafrullah Khan that the Gurdaspur district was annexed to India and not to Pakistan.

10. The Ahrar speakers have also been preaching that the Kashmir question had not been solved due to Chaudhri Zafrullah Khan's insincerity and the strained relations between Pakistan and Afghanistan were also due to his presence in the Pakistan Cabinet.

11. The Ahrar speakers have also been broadcasting in their speeches that Chaudhri Zafrullah Khan was an agent of the British and the Ahmadiya sect was encouraged and developed by the British Government because its founder was against 'Jihad'.

    The daily 'Zamindar' and the 'Azad' which is an organ of the Ahrar almost daily publish articles in their papers which are scandalous and vilifying to the Ahmadis, the founder of their sect and Chaudhri Zafrullah Khan.

12. The result of all this agitation on the part of the Ahrar is that the relations between the Muslims and the Ahmadis have become more strained and the generality of the people have begun to think that those who are at the helm of affairs in this country have no regard for the feelings of the people and support the Ahmadis. In this way the State has Suffered and the Ahrar leaders have gained in their stature in the public eye. Another result of this agitation has been that the whole class of *mullas* has become turbulent in their daily utterances and Friday sermons. Instead of confining their sermons on religion they now are invariably indulging in politics, particularly in their Friday sermons,"

The meeting was held on 24th December 1952 in the Chief Minister's room in which Mr. Qurban Ali Khan, Inspector-General of Police, Home Secretary and Mr. Anwar Ali, D.I.G., C. I. D., took part. The only decision taken was that where a speech offended against a provision of law, legal action should be taken and that it was not necessary to take any further action. In compliance with this order a letter was written to S. P., Sialkot, pointing out to him that as Manzur Ahmad, Karamat Ali and Bashir Ahmad, whose prosecution had been recommended by him and the District Magistrate for speeches at the Gulu Shah Fair were petty persons, it would not be useful to prosecute them on this occasion.

A conference under the auspices of All Muslim Parties Convention was again going to be held in Sialkot on 9th and 10th February 1953. Though the conference was advertised by one Allama Muhammad Yaqub Khan, the Ahrar were at the back of the whole show. On 6th November 1952, Mr. Ghulam Sarwar Khan, Deputy Commissioner, Sialkot, wrote to the Commissioner saying that though Government instructions contained in D. O. letter No. 8469-84-BDSB, dated the 5th June 1952, were clear on the point that section 144, Criminal Procedure Code, should be promulgated, it had been subsequently decided in a conference of officers held under the chairmanship of the Chief Secretary in his office on Saturday, the 5th July 1952, that the Convention called for the 13th July 1952 in Lahore was not to be interfered with and that he took this decision to mean that no interference with such meetings was called for by the district authorities. He pointed out that such conferences were held at Gujranwala and Lahore and no action was taken and inquired whether the same policy was intended to be followed in the district of Sialkot. A copy of this letter was forwarded demi-officially to the Chief Secretary to Government, Punjab, which was placed before the Home Secretary on 9th November 1952. The Commissioner forwarded the Deputy Commissioner’s reference to the Chief Secretary on 9th November 1952, with the opinion that the action proposed to be taken by the D. C., Sialkot, in not interfering with the conference appeared to be right. The Home Secretary noted that Government had no desire of issuing orders contrary to what the District Magistrate intended to do and that, in view of the last sentence of the District Magistrate’s letter, no action was necessary.

ACTIVITIES OF THE ULAMA AND THEIR INTERVIEWS WITH THE PRIME MINISTER AND THE CHIEF MINISTER

The first person to draw the attention of the Prime Minister, Khwaja Nazim-ud-Din, to the seriousness of the Qadiani movement was Qazi Ehsan Ahmad Shujabadi. Opposition of Qadianiyyat appears to be this man’s sole interest in life and he carries wherever he goes a large wooden box full of Ahmadiya and anti-Ahmadiya literature. Every calamity, catastrophe or other unfortunate event that falls to Pakistan or to anyone else, including such events as the assassination of the Quaid-i-Millat and the air crashes, not to speak of more important political events, is always ascribed by Shujabadi to the machinations of the Ahmadis. In March 1950 Shujabadi succeeded in persuading another divine of Karachi, Maulana Ehtisham-ul-Haq Thanvi, to go to Khwaja Nazim-ud-Din and to apprise him of the great discontent and indignation that prevailed against the Ahmadis in the country. They both went to Khwaja Nazim-ud-Din and saw him on 3rd March 1950, Shujabadi carrying his wooden box with him. He brought out from this box some Qadiani literature perusal of which horrified Khwaja Nazim-ud-Din.

It has been already mentioned that the demands against the Ahmadis were formulated by the *ulama* some time in June 1952 in Karachi and on 13th July 1952 in Lahore when a Majlis-i-Amal was constituted to devise measures to secure acceptance of the demands. One of the methods adopted by the members of Majlis-i-Amal was to wait upon Khwaja Nazim-ud-Din, the Prime Minister, and to convince him of the justice of the demands. The first interview with the Prime Minister was by Maulana Akhtar Ali Khan sometime in July, 1952, when he happened to be in Karachi in connection with, a press conference. The Maulana mentioned, the demands to the Prime Minister and watched his reaction. The Maulana has produced a memorandum, Ex. D. E. 16, and claims that this contains exactly what the Prime Minister said to him :—

> "*Mujhe mulk ke jazabat aur ihsasat ka pura ilm hai. Main janta hun keh Musalman kiya ckahte hain lekin main unhen kahunga keh hukumat unke jazabat ka pura pura ihtram karti hai, lekin unke mutalibat ko pura karne ke raste men kuchh a'ini dushwarian hain. Un dushwarion, ko dur karne men kuchh waqt lage-ga. Isliye Musalmanon ko tawaqquf aur itminan se kam lena chahiye, Aman aur qanun ko barqarar rakhne men hukumat se, ta'awun karna chahiye. Ham jo bhi faisala karen-ge woh Musalmanon ko qabil-i-qabul ho ga. Ap-ne kaha keh ye faisala ulama-i-karam ki 'ain marzi ke mutabiq hoga. Meri hukumat 14 August ko bunyadi Hikmat-i-amli ka i'lan kar-degi. Mujhe ummid hai keh yeh wazahat mulk ki rai a'ma ko mutma'in kar-degi.*"

(TRANSLATION)

> "I am fully alive to the feelings and sentiments of the country. I know what the Musalmans want. I wish to tell them that the Government fully respects their sentiments, but there are certain constitutional difficulties in the way of acceptance of their demands. It will take some time to remove those difficulties. The Musalmans should, therefore, wait and be calm. They should co-operate with the Government in maintaining law and order. Whatever we decide, shall be acceptable to the Musalmans. He said, 'That decision will be exactly in accord with the wishes of the *ulama* also. My Government will announce its basic policy on the 14th of August. I hope that this clarification will satisfy the public opinion'."

Khwaja Nazim-ud-Din's account of what transpired at this interview is different. He has stated that all that he said to Maulana Akhtar Ali Khan was that he would deal with this question in his speech on the Pakistan Day on 14th August.

On return from Karachi Maulana Akhtar Ali Khan published in bold headlines in the 'Zamindar' of 4th August that the policy of the Central Government regarding the Qadianis would be announced by the Prime Minister in his speech on the Pakistan Day and that the announcement would be in accordance with the *shari'at* and the wishes of the *ulama*. The Maulana wrongly stated in this news item that he had led a deputation of *khatm-i-nubuwwat* movement in his interview with the Prime Minister, the fact being that the Maulana had gone to Karachi as a member of some press conference and had seen Khwaja Nazim-ud-Din in that connection together with some other members of that conference, and the subject of Ahmadis happened to be mentioned only incidentally.

A deputation of Master Taj-ud-Din Ansari, Maulana Abul Hasanat Muhammad Ahmad, Maulana Murtaza Ahmad Khan Maikash, Sheikh Husam-ud-Din, Maulana Ehtisham-ul-Haq Thanvi and Maulana Abdul Haamid Badayuni met the Prime Minister in Karachi on 13th August and presented to him a written memorandum, stating the grievances against the Ahmadis and the following demands in respect of them :—

(1) that the Ahmadis be declared a minority ;

(2) that Chaudhri Zafrullah Khan he removed from the office of Foreign Minister ; and

(3) that the Ahmadis be removed from key posts in the State.

Khwaja Nazim-ud-Din said that he was just then busy in some engagements for the following day, which was the Pakistan Day, and that he did not have enough time to discuss the matter. He suggested that the deputationists could come to him after he was free from his engagements for the Pakistan Day. In his broadcast on the Pakistan Day the Prime Minister did not say one word about the Ahmadis or the demands against them. On the contrary, that speech contained a veiled reference to, and denunciation of false rumours in newspapers and to internal disruptive elements which, if not checked, were likely to disintegrate the country.

On the same day, however, the Central Government issued the following cryptic communique :—

> "The Government of Pakistan have decided that no member of any Provincial or Federal Council of Ministers should use his official position in propagating any sectarian creed among those persons who come in contact with him. Every Governor is being asked to communicate this decision to all the Ministers concerned, and it is hoped that no Minister will in future depart from this rule.
>
> "The Government of Pakistan have received frequent complaints that certain officials of the Central and Provincial Governments belonging to a particular sect abuse their official position in propagating their sectarian creed among their subordinates and other persons who come in contact with them in their official capacity. The Government take a serious view of this matter and have accordingly decided to stop this undesirable activity at once and to prohibit in future the propagation of any sectarian creed in this objectionable manner.
>
> "The Government Service Conduct Rules are being amended in this behalf.
>
> "The Government wish to make it known that drastic action will be taken against any person who offends against this rule, irrespective of the sect to which he may belong. The Provincial and State Governments in Pakistan have also been asked to take similar action."

Since this communique was generally understood to be directed against Chaudhri Zafrullah Khan and other Ahmadi officers, Chaudhri Zafrullah Khan immediately issued the following press statement:—

> "I, as a Muslim, am a passionate believer — in accordance with the teaching of Islam as set out in the Holy Qur'an and illustrated in the life of the Holy Prophet — in the freedom of conscience. In my view the exercise of official pressure or influence is just as much interference with freedom of conscience as direct persecution or coercion. On the other hand it is a duty inculcated by Islam upon every Muslim that he should, both by example and precept, illustrate the teachings of Islam in his life. It is a duty which the Muslims during their period of decline have sadly neglected with consequences affecting their individual and national lives which are only too glaring.
>
> "My own beliefs have never been a matter of secrecy for those who have known me, whether personally or by repute, though recently persistent attempts have been made in certain quarters to distort them and to misrepresent them. As I have said above I consider it dishonest and wholly opposed to the teachings of Islam that a person should use his official position or authority, whether directly or indirectly, to impose his own religious views upon others or to force or persuade any person by use of such influence or authority to abjure what he believes in. This is widely taught and accepted in the community to which I have the honour to belong and I would be most surprised and deeply pained, if I found that any person belonging to that community acted in contravention of this wholesome principle.
>
> "It is true that our views and doctrines are propagated as widely as our very limited resources permit. This is done in discharge of the obligation resting upon all right-thinking people to endeavour earnestly and continuously to propagate by word and conduct what they sincerely believe to be the truth so that righteousness and beneficence may be widely spread and established. To have recourse to anything which would savour of pressure or coercion or the employment of unfair means would defeat the very object itself. The person in respect of whom any such method is employed is bound to react adversely and to feel that he is not being invited freely and cheerfully to study, ponder and reflect over fundamental truths but is being sought to be dragooned into outward profession of acceptance of creed which his conscience rejects.
>
> "There is another aspect of the matter. Members of a community which is itself the subject of misrepresentation and even persecution at the hands of a certain section of those who claim to be the overwhelming majority cannot afford to have recourse to such methods. While they are denounced and held up to ridicule and hatred for what they do not profess and have not done they cannot hope to escape punishment and severe condemnation if

> they in their turn would begin to adopt and use methods which are contrary not only to Islam but to good sense itself and would defeat the very purpose in view.
>
> "I welcome the announcement made on behalf of the Government which I hope will be taken to heart by all sections of the people of Pakistan and would help to restore an atmosphere of calmness, serenity, reflection and wide tolerance in all matters pertaining to faith and conscience.
>
> "Faith and belief are the sublimest subjects with which the human mind may be concerned and by which it may be swayed. In this sphere the moat scrupulous caution is necessary lest in the eyes of God any of us should become guilty of seeking to make a man declare that he believes in something which his conscience does not accept or that he has ceased to believe in something which his heart and conscience are passionately devoted to. Any person who indulges in any such activity, whether he is a Minister, an official or an individual in private life, is seeking to manufacture hypocrites and not sincere believers."

The same members of Majlis-i-Amal who had met Khwaja Nazim-ud-Din on 13th August again waited on him on 16th August. Sardar Abdur Rab Nishtar, Mr. Gurmani and Mr. Fazl-ur-Rahman were also present in this meeting. The outcome of the interview was distinctly disappointing for the deputationists. Khwaja Nazim-ud-Din said that the question whether Ahmadis should be declared a non-Muslim minority was for the Constituent Assembly and that he was not willing to make any move in that direction. Chaudhri Zafrullah Khan, he said, had been appointed by the Quaid-i-Azam himself and therefore he would not remove him. As regards the removal of Ahmadi officers from key posts, he pointed out that the deputationists will have to make out a case on the merits. And the grievances in the matter of Rabwah, he concluded, could be represented to the Provincial Government.

Maulana Abul Hasanat Sayyad Muhammad Ahmad Qadri, Maulana Murtaza Ahmad Khan Maikash, Sheikh Husam-ud-Din and Maulana Daud Ghaznavi met the Chief Minister of the Punjab on 29th September 1952 and placed before him their grievances against the Ahmadis, including the grant of land for an exclusively Ahmadiya colony at Rabwah, improper allotments, and what the deputationists considered an ammunition scandal. The Chief Minister promised to look into the matter.

ALL PAKISTAN MUSLIM PARTIES CONVENTION

We have already mentioned that after Chaudhri Zafrullah Khan's speech in Jehangir Park, Karachi, in May 1952, a meeting of *ulama* belonging to different schools was held in Karachi on 2nd Jane, in which the demands against the Ahmadis were formulated and a board of *ulama* appointed. A meeting of this Board was held on 15th August which was attended on special invitation by Sheikh Husam-ud-Din, Maulana

Abul Hasanat Sayyad Muhammad Ahmad, Master Taj-ud-Din Ansari and Maulana Murtaza Ahmad Khan Maikash who were members of a deputation which had come from the Punjab. The Board decided to call an All Pakistan Muslim Parties Convention for 15th, 16th and 17th September. It appears that no steps were taken to call the Convention in September and some of the members of the Board began to show signs of impatience. A meeting of the Board was held on 15th December 1952, which was attended on special invitation by Sheikh Husam-ud-Din, Sayyad Muzaffar Ali Shamsi and Sayyad Munawwar Ali Shah, but there is no record of the decisions taken.

On 23rd December 1952 Maulana Daud Ghaznavi addressed a letter to Maulana Ehtisham-ul-Haq complaining of the delay in calling the Convention and impressing upon him the necessity of doing so as early as possible. He stated in that letter that if there were some financial difficulties in making the arrangements, the Punjab Majlis-i-Amal was willing to undertake the entire financial responsibility. Maulana Muhammad Shafi also wrote to Maulana Ehtisham-ul-Haq on 22nd October 1952 in the same strain as Maulana Daud Ghaznavi and suggested that the Convention should be called for a date during the days that the *ulama* would be in Karachi in connection with an *ulama* conference which was meeting to consider the proposals of the Basic Principles Committee. Consequently invitations were issued on 11th December 1952 by the convener Maulana Ehtisham-ul-Haq for a meeting of the All Pakistan Muslim Parties Convention on 16th, 17th and 18th January 1952.

There is some difference between the versions of the Majlis-i-Amal and the Ahrar on the one side and the Jama'at-i-Islami and Maulana Abul Ala Maudoodi on the other as to what happened during the deliberations of this Convention. According to the written statement of Majlis-i-Amal, a meeting of the Convention was held after Friday prayers on 16th January 1953 which was attended by the leading *ulama* of Pakistan and in which the question of Ahmadiyyat was discussed and a Subjects Committee formed. The written statement mentions the names of the following *ulama* who attended it: —

(1) Maulana Abul Ala Maudoodi, President, Jama'at-i-Islami, Lahore.
(2) Haji Muhammad Amin, Amir-i-Jama'at-i-Najia.
(3) Khalifa Haji Tarangzai from Peshawar.
(4) Hazrat Pir Sarsina Sharif, Amir, Hizbullah, Dacca, Bengal.
(5) Maulana Raghib Ahsan, M.A., Dacca.
(8) Maulana Aziz-ur-Rahman, Nazim, Hizbullah, Dacca,
(7) Maulana Athar Ali, Dacca.
(8) Maulana Sakhawat-ul-Ambiyya, Dacca.
(9) Maulana Muhammad Yusuf Banoori, Sadar Mudarris, Dar-ul-Uloom, Tando Allah Yar.
(10) Maulana Shams-ul-Haq, Wazir-i-Mu'arif, Kalat.
(11) Maulana Ibrahim Mir Sialkoti.
(12) Maulana Ahmad Ali, Sadr, Jami'at-ul-Ulama-i-Islam, Sheranwala Gate, Lahore.

(13) Maulana Muhammad Hasan, Jami’ Ashrafia, Nila Gumbad, Lahore.
(14) Maulana Muhammad Idris, Sadr Mudarris, Jami’ Ashrafia, Nila Gumbad, Lahore.
(15) Maulana Zafar Ahmad Usmani, Secretary, Ta’limat-i-Islami Board, Karachi.
(16) Maulana Sayyad Suleman Nadvi, President, Ta’limat-i-Islami Board, Karachi.
(17) Maulana Muhammad Shafi, Mufti-i-Deoband, Member, Ta’limat-i-Islami Board, Karachi.
(18) Maulana Sultan Ahmad, Amir-i-Jama’at-i-Islami, Karachi and Sind.
(19) Maulana Mufti Sahib Dad Khan, Arabic Teacher, Sind Madrisa, Karachi.
(20) Maulana Abdul Haamid Badayuni, President, Jami’at-ul-Ulama-i-Karachi and Sind.
(21) Maulana Muhammad Yusuf Calcuttvi, President, Jami’at-i-Ahl-i-Hadith, Karachi.
(22) Maulana Muhammad Ismail, Nazim-i-Jami’at-i-Ahl-i-Hadith.
(23) Maulana Sayyad Daud Ghaznavi, M. L. A., President, Jami’at-i-Ahl-i-Hadith., Maghribi Pakistan.
(24) Maulvi Muhammad Ali Jullundri, General Secretary, Majlis-i-Ahrar, Punjab, Multan.
(25) Maulana Sayyad Ata Ullah Shah Bukhari, Amir-i-Shari’at.
(26) Maulana Mateen, Nazim, Jami’at-ul-Ulama-i-Islam, Karachi.
(27) Maulana Ehtisham-ul-Haq, Convener, All Muslim Parties Convention, Karachi.
(28) Maulana Abul Hasanat Sayyad Muhammad Ahmad Qadri, President, Jami’at-ul-Ulama-i-Pakistan and President of Majlis-i-Amal.

After the *maghrib* prayers on 17th January 1953, a meeting of the Subjects Committee was held and on the 18th January the second meeting of the Convention came off, in which the following resolutions were passed:—

(1) That since, in view of the attitude of Khwaja Nazim-ml-Din, Prime Minister of Pakistan, there is no hope of the demands in respect of the Mirzais being accepted, the All Muslim Parties Convention comes to the conclusion that in the circumstances *rast iqdam* has become inevitable to secure acceptance of the demands.

(2) That since the Government is not prepared to declare the Mirzais a non-Muslim minority, it has become necessary to adopt means to exclude the Mirzai sect from Millat-i-Islamia and one of these means is completely to boycott this sect.

(3) That since the demand for the removal of Sir Zafrullah Khan, the Mirzai foreign Minister, has not yet been conceded, the Convention demands the resignation of Khwaja Nazim-ud-Din, so that the Muslims of Pakistan should be able to follow and preserve their religious beliefs and Islamic traditions.

(4) That in order to give a practical shape to the demands mentioned above, the Convention proposes that it should make leading Musalmans and the representatives of different religious parties members of the General Council.

(5) That the General Council should elect fifteen of its members as members of the Council of Action.

(6) That the General Council elects the following eight as members of the Council of Action:—

(1) Maulana Sayyad Abul Hasanat Muhammad Ahmad Qadri;
(2) Amir-i-Shari'at Sayyad Ata Ullah Shah Bukhari;
(3) Maulana Abul Ala Maudoodi;
(4) Maulana Abdul Haamid Badayuni;
(5) Hafiz Kifayat Husain;
(6) Maulana Ehtisham-ul-Haq Thanvi;
(7) Abu Saleh Muhammad Jafar, Pir of Sarsina Sharif, East Pakistan; and
(8) Maulana Muhammad Yusuf Calcuttvi;

and authorises these members to co-opt the remaining seven members.

(7) The Council of Action is authorised to chalk out a programme of action to have the demands accepted.

(8) The Council of Action is directed that before adopting any practical programme it should organise a representative deputation to wait on the Central Government and to apprise it of the final decision of the people. This deputation will have the authority to give further time to the Cabinet for a final reply.

After the *maghrib* prayers the same day, a meeting of the eight members of the Council of Action was held and the following seven members were co-opted :—

(1) Pir Ghulam Majaddid Sarhaddi;
(2) Maulana Nur-ul-Hasan;
(3) Master Taj-ud-Din Ansari;
(4) Maulana Akhtar Ali Khan;
(5) Maulana Ismail Gujranwalvi;
(6) Sahibzada Faiz-ul-Hasan; and
(7) Haji Muhammad Amin Sarhaddi.

In the same meeting, the Majlis-i-Amal organised a deputation to wait on Khwaja Nazim-ud-Din. Accordingly, a deputation led by Maulana Abdul Haamid Badayuni and consisting of (1) Pir Sahib of Sarsina Sharif, (2) Sayyad Muzaffar Ali Shamsi, Secretary, Idarah-i-Tahaffuz-i-Huquq-I-Shia, Lahore, and (3) Master Taj-ud-Din Ansari, President, Majlis-i-Ahrar, met Khwaja Nazim-ud-Din on 22nd January 1953. Khwaja Sahib expressed sympathy with the demands but showed his inability to accept them.

The written statement of the Majlis-i-Ahrar is to the same effect, except that, according to it, the deputation was organised on 16th January which met Khwaja Nazim-ud-Din on 21st January. This written statement further alleges that a meeting of the eight elected members was fixed for the evening of 18th January and that during the day, at a dinner arranged by a friend of Mufti Muhammad Shafi, Maulana Abul Ala Maudoodi informed the other members that he would not be able to attend the evening session, because he had to complete the amendments to the proposed constitutional proposals and on the next morning he had to go to Lahore. He suggested that the elected members could meet in the evening and co-opt the remaining seven members. Another point on which the written statement of the Ahrar differs is that Master Taj-ud-Din Ansari was substituted not for Maulana Muhammad Yusuf Calcuttvi but for Maulana Athar Ali of Bengal.

The version of Jama'at-i-Islami is as follows :—

In January 1953, a convention represented by thirty-three leading *ulama* of all shades of opinion was held in Karachi to consider constitutional recommendations of the Basic Principles Committee. Immediately after this convention an All Pakistan Muslim Parties Convention was called to consider the situation arising out of the Tahaffuz-i-Khatm-i-Nubuwwat movement. Maulana Abul Ala Maudoodi also took part in this Convention and proposed in the Subjects Committee that as the *ulama* had included the Qadiani problem among the amendments suggested by them to the Basic Principles Committee's Report, no separate action on that score was now called for. After a long discussion this proposal of the Maulana was accepted. Unfortunately, however, it was not allowed to be moved in the open session on account of a technical ruling given by the Chairman of the meeting. Failing in this effort, the Maulana moved that a Central Majlis-i-Amal be formed and that this body should be made the sole authority for laying down a programme to have the Qadiani problem solved constitutionally and that no other organisation or individual should be allowed to deal with that problem. Unfortunately again, the personnel of the Majlis-i-Amal was not completed and thus the proposed Majlis did not formally come into existence. In the opinion of the Jama'at, therefore, all the activities of the member organisations of the Convention from the 17th January to 26th February 1953 were without constitutional sanction and, *ultra vires*. The deputation, which waited on the Prime Minister of Pakistan on the 22nd January and delivered the direct action ultimatum, was similarly unauthorised and, in any case, it did not represent the Convention correctly. The one-month notice which this deputation gave to the Prime Minister was without any authorisation from any constitutional body. The Jama'at through its Amir, Maulana Abul Ala Maudoodi, strongly criticised these unconstitutional steps and demanded of the Majlis-i-Amal of the Punjab on the 13th of February 1953 that a meeting of the Central Majlis-i-Amal be called immediately and all other activities in the matter stopped. This was done first through Malik Nasarullah Khan Aziz and again through him and Mian Tufail Muhammad, General Secretary of the Jama'at. On the 19th February 1953, the Secretary of the Jama'at issued directions to the members not to sign the forms which were being circulated by the Majlis-i-Amal for enrolment of volunteers for direct action. He also made it clear that unless the Central Majlis-i-Amal sanctioned any programme, no one belonging to the Jama'at should take part in these activities. In fact, two members were expelled from the Jama'at for violating these instructions. On the 26th February, the first meeting of the Central Majlis-i-Amal took place in Karachi in which the Maulana through his representative, Maulana Sultan Ahmad, Amir-i-Jama'at-i-Islami, Karachi and Sind, made it clear that, as the direct action programme had been decided upon in an unconstitutional manner, all activities in connection with it should be stopped and only the orders of the Central Majlis-i-Amal in this respect be acted upon. Maulana Sultan Ahmad was authorised to dissociate Jama'at-i-Islami from the Central Majlis-i-Amal if Maulana's proposal was not agreed to. It is an irony of fate that instead of somebody listening to reason, the Central Majlis-i-Amal itself was dissolved and an entirely new direct action committee formed which started direct action on the next day. The Jama'at-i-Islami as such was not a member of this new or any other direct action committee, nor was any individual belonging to the Jama'at allowed to enrol himself as a direct-action worker. The Maulana made it quite obvious to everybody by his orders and by his action in expelling two of the members of the Jama'at for an alleged disobedience of his order that the Jama'at did not believe in or support the direct action in any manner and had completely dissociated itself from such activities.

According to the written statement of Maulana Abul Ala Maudoodi, the Ahrar started agitation over the Qadiani question in May 1952. The view of the Jama'at-i-Islami at that time was that the demand for the declaration of Qadianis as a minority was right but that since the constitution was in the making it was not right for the Musalmans to divert their attention to any unconstitutional agitation and that all efforts should be concentrated on having a truly Islamic constitution passed and to have the question of Qadianis settled in the making of the constitution itself. This view of the Jama'at was expressed in the Majlis-i-Shura's resolution of 8th July 1952. The Ahrar convened in July 1952 a convention of all religious parties and an invitation for it was also received by the Jama'at-i-Islami which deputed Maulana Amin Ahsan Islahi and Malik Nasarullah Khan Aziz to join that convention and to present the view of the Jama'at. At the convention a Majlis-i-Amal was formed and two seats on it were offered to the Jama'at-i-Islami but the Jama'at did not accept them. Maulana Abul Ala Maudoodi was one of the thirty-three *ulama* who had gathered in Karachi in January 1953 to consider the Basic Principles Committee's Report. One of the amendments to that Report was that the Qadianis should be included among the minorities for whom separate seats were to be reserved by separate election. In the middle of January was held an All Muslim Parties Convention in Karachi the object of which was to consider the question of Tahaffuz-i-Khatm-i-Nubuwwat. The proposal to form a Central Majlis-i-Amal was moved by Maulana Abul Ala Maudoodi himself but no meeting of the Majlis-i-Amal was held till 26th February.

The seven members were not duly co-opted and, therefore, all the proceedings taken by the member parties of the Convention from 17th January to the 27th February were invalid, including the formation of the deputation which waited on the Prime Minister on the 23rd January, the delivery of the one-month notice to him, the subsequent announcement of direct action and the steps actually taken in the Punjab in connection with the direct action. The Maulana protested against these irregularities at a meeting of the Punjab Majlis-i-Amal held on 13th February at Lahore by means of written objections sent by him through Malik Nasarullah Khan Aziz and demanded that a meeting of the Central Majlis-i-Amal be called and all proceedings suspended in the meanwhile. On this, it was decided that a meeting of the Central Majlis-i-Amal should be called for 17th February but no meeting was held and the Maulana again objected in writing before the Majlis-i-Amal through Mian Tufail Muhammad and Malik Nasarullah Khan Aziz. The meeting of the Central Majlis-i-Amal was then held on 26th February. At this meeting, Maulana Sutlan Ahmad, Amir-i-Jama'at-i-Islami, Karachi and Sind, was present on behalf of the Jama'at and he was asked by the Maulana to communicate his written objections to the irregularities and to recall the programme of direct action. Maulana Sultan Ahmad was further directed that if the Central Majlis-i-Amal did not agree, he should dissociate the Jama'at from the proceedings. But at Karachi, the Central Majlis-i-Amal itself was abolished and was replaced by a direct action committee which announced direct action on the following day. No member of the Jama'at-i-Islami was a member of this direct action committee. The Jama'at in a resolution of the Majlis-i-Shura, which was held on the 4th/5th March, dissociated itself from the direct action. The rest of the written statement of the Maulana is the same as that of the Jama'at.

Thus there is an issue between the Majlis-i-Amal, Punjab, and the Ahrar on the one side and the Jama'at-i-Islami and Maulana Abul Ala Maudoodi on the other whether Jama'at-i-Islami was a party to the direct action resolution and to the subsequent action taken in pursuance of that resolution. We have at the present stage merely stated the points of difference between the two contending parties and when we come to deal with the question of responsibility we shall discuss the whole evidence on this part of the case in order to determine the question of the extent to which the Jama'at-i-Islami is responsible for the disturbances which came as a sequel to the direct action resolution and programme.

MORE INTERVIEWS WITH THE PRIME MINISTER AND CHIEF MINISTER

Khwaja Nazim-ud-Din came to Lahore on 16th February 1953, and a deputation consisting of Maulana Akhtar Ali Khan, Maulana Abul Hasanat Sayyed Muhammad Ahmad Qadri, Sayyed Mazaffar Ali Shamsi, Master Taj-ud-Din Ansari and Hafiz Khadim Husain met him in order to inquire what attitude he intended to adopt in regard to the demands. Khwaja Nazim-ud-Din replied that he had difficulties of which the deputationists had no knowledge and hinted that the demands could not be accepted. He, however, told them that if they wanted to have further discussion, they could come down to Karachi.

On 20th February another deputation comprising Maulana Muhammad Bakhsh Muslim, Sufi Ghulam Muhammad Tarannum, Sayyad Muzaffar Ali Shamsi and Hafiz Kifayat Husain met the Chief Minister of the Punjab to remind him of their grievances against the Ahmadis, which could be redressed by the Provincial Government. The Chief Minister replied that he was looking into the matter.

Another deputation of the *ulama* met Khwaja Nazim-ud-Din in Karachi on 21st February 1953. The deputation consisted of Maulana Suleman Nadvi, Maulana Ehtisham-ul-Haq Thanvi, Mufti Muhammad Shafi, Maulana Akhtar Ali Khan and Maulana Abdul Haamid Badayuni. The deputationists told Khwaja Sahib that one month's ultimatum had expired but no reply to the demands had yet been given by him. Sirdar Abdur Rab Nishtar also was present at this interview. In the course of the talk Maulana Ehtisham-ul-Haq wrote something on a slip of paper and passed it on to others who nodded approvingly except Maulana Abdul Haamid Badayuni.

On the following day Khwaja Nazim-ud-Din received a telephone call from Maulana Abdul Haamid Badayuni who said that some *ulama* from the Punjab were coming for an interview with Khwaja Nazim-ud-Din and that the *ulama* who had waited on him on the previous day should not be called at the interview with the Punjab *ulama*. Sometime later the same day, Maulana Abdul Haamid Badayuni came to Khwaja Nazim-ud-Din accompanied by Master Taj-ud-Din Ansari, Maulana Abul Hasanat Sayyad Muhammad Ahmad Qadri and Sayyad Muzaffar Ali Shamsi. Sirdar Abdur Rab Nishtar was again present at the interview. Maulana Akhtar Ali Khan had left for Bahawalpur and he was telephoned to come down to Karachi but he said that he had to return to Lahore and could come to Karachi only if the Governor-General's Viking was sent to him. At this interview the demands were repeated but the deputationists were told more distinctly that the demands could neither be accepted nor moved by Khwaja Nazim-ud-Din in the Constituent Assembly.

DIRECT ACTION DECIDED UPON

A meeting of the Central Majlis-i-Amal was held in Karachi on 26th February 1953. Present at that meeting were :—

(1) Master Taj-ud-Din Ansari,
(2) Sahibzada Faiz-ul-Hasan,
(3) Maulana Sultan Ahmad, Amir-i-Jama'at-i-Islami, Sind and Karachi,
(4) Sayyad Nur-ul-Hasan Bukhari,
(5) Maulana Abul Hasanat Sayyad Muhammad Ahmad Qadri,
(6) Maulana Muhammad Abdul Haamid Badayuni,
(7) Maulana Ehtisham-ul-Haq Thanvi,
(8) Sayyad Ata Ullah Shah Bukhari,
(9) Maulana Muhammad Yusuf Calcuttvi. and
(10) Sayyad Mazaffar Ali Shamsi.

The meeting was presided over by Maulana Abul Hasanat. A resolution, was passed at the meeting to the effect that since the notice decided in the Convention of 18th January to be given to the Central Government had been duly handed over to that Government by a deputation of Majlis-i-Amal and the period of the notice had expired on 22nd February and four more day had passed, the form of peaceful *rast iqdam* had to be determined. The form of *rast iqdam* decided upon was that five volunteers, bearing placards with the demands written on them, were to go to the residence of the Prime Minister through by roads, not by a thoroughfare, that if the volunteers were stopped by the sentry, they were to say that they had come to place the demands before the Prime Minister and to request ham to accept them and that they would return only if the Prime Minister declared that he accepted the demands. If these volunteers were arrested, the Council of Action would send another batch of five volunteers, and this was to continue in a peaceful manner until the demands were accepted. The residence of the Governor-General also was to be similarly picketed to avoid the impression that the movement was directed against the Prime Minister because he was a Bengali. Maulana Abul Hasanat Sayyad Muhammad Ahmad was appointed as the dictator of the sacred movement and he was permitted to nominate a successor if he was arrested. It was also resolved that in the public meeting that was going to be held that very evening in Aram Bagh, the public were to be advised to carry on their usual business and not to accompany the volunteers.

PREPARATIONS TO MEET THE THREAT OF DIRECT ACTION

In the Punjab information began to pour in that the threat of direct action was materialising and that a movement of full-fledged civil disobedience was soon going to be launched. On 16th February or thereabout the C. I. D. Punjab received the following information from the Intelligence Bureau, Karachi :—

“Intelligence Bureau
Government of Pakistan.
Karachi, Feb. 14th, 1953.

CIRCULAR MEMORANDUM

“A source report which appears to have some substance in it shows that the sponsors of the *khatm-i-nubuwwat* agitation are planning to start a full-fledged agitation in Punjab and Karachi from February 22nd, 1953 in connection with their five-point demand for (1) removal of Hon’ble Chaudhri Muhammad Zafrullah Khan from the post of Foreign Ministership, (2) declaration of Qadianis as a minority, (3) taking away the land which has been given to the Qadianis in Rabwah and utilising it for the rehabilitation of refugees, (4) removal of Qadianis from key posts and their replacement by Musalmans, and (5) framing the constitution of Pakistan on purely Islamic lines.

“2. The first person who will offer himself for arrest in connection with this agitation in Punjab will possibly be Sahibzada Pir Faiz-ul-Hasan who has about 30,000 *murids*. It is said that all his *murids* will follow suit.

> “3. At Karachi plans for the launching of the agitation will be completed by one Muhammad Johar, Naib Nazim-i-Ala of the Jama’at Khatm-i-Nubuwwat instead of Lal Husain Akhtar who is reported to have fallen from grace on account of having spent about Rs. 24,000 during the past year without achieving much success. Muhammad Johar is, however, finding it difficult to launch the operations on account of paucity of volunteers. His main job during the next few days will be to raise as many volunteers as possible for offering themselves for arrest. Yesterday he sent one Niaz Ahmad to harangue to the Juma Congregation in the Memon Mosque at Boulton Market but the latter could not succeed in doing so. Some residents of Khudabad and Qaidabad colonies are reported to have volunteered but their total number has not yet been ascertained. In connection with the raising of volunteers a meeting is being planned to be held within the next few days in Jahangirabad which is near Usmania colony.
>
> “4. The directive appears to have been given by Muhammad Ali Jullundri and volunteers have been called upon to get set on the mid-night between 21st and 22nd February 1953.
>
> “5. The source report mentioned above concerns the operations which are being planned in Karachi. It is not known as to what plans are being made in other places in Pakistan and therefore it is requested that the C. I. Ds. of all Provinces may kindly make immediate enquiries for taking necessary action“.

The following top secret most immediate cypher telegram was received from Foreign Karachi by Punjab on 19th February 1953:—

> “Headlines, articles and comments in ‘Zamindar’ and ‘Azad’ Lahore continue to whip up anti-Ahmadi agitation strongly. Some recent instances are the editorial and anti-Ahmadi articles in ‘Zamindar’ of 16th and 17th February respectively and series of anti-Ahmadi articles and poems in ‘Azad’ of 4th, 8th and 11th February. Provincial Government’s attention has been drawn to earlier objectionable articles published in Azad from time to time.
>
> “2. We have now seen a report that anti-Ahmadi elements intend to give a fillip to the agitation in the Punjab by courting arrest from 22nd February. Central Government would be glad to have Provincial Government’s comments on this report and also trust that necessary measures would be undertaken to check the press from fanning the agitation“.

On receipt of this telegram the position was discussed m a meeting of the Chief Minister, the Home Secretary and Mr. Anwar Ali who by now had succeeded Mr. Qurban

Ali Khan as Inspector-General of Police. The result of the meeting was thus recorded by Mr. Anwar Ali on 20th February 1953:—

> "This case was discussed this morning by H. S. and myself with H.C.M. The changes which H.C.M. suggested have been incorporated in the draft. Will C. S. kindly sign so that it can issue at once ?
>
> "2. Day after tomorrow being Sunday, action on the draft in Karachi may be delayed and I, therefore, suggest that a cypher telegram should be sent in reply to the telegram which came on 10th February 1953.
>
> Draft is added.
>
> "3. H. C. M. has suggested that further action on the following lines should be taken:
>
> (*i*) The ugly incidents which have taken place in the Province within the last month or two and which have been mentioned in the letter to the Government of Pakistan, should be suitably publicised. H. C. M. desires that H. S. should send for the editors of 'Afaq', 'Maghribi Pakistan' and 'Ehsan' and give them a suitable lead. He also desires that the editor of 'Civil and Military Gazette' should be spoken to by D. P. R. and advised to write articles about the situation in a more objective manner so that the public will show leas apathy to these articles.
>
> (*ii*) The workers of the All Parties Muslim Convention who have taken a leading part in sponsoring the agitation should be sent for by H. S. and told that the agitation has no longer remained peaceful and that incidents have taken place which have created genuine fear and alarm in the minds of the public.
>
> They should also be told that in case there is any breach of peace or law the Provincial Government will hold the sponsors of the agitation directly responsible for it.
>
> (*iii*) The D. P. R. should be instructed by C. S. to send for Maulanas Abul Hasanat, Tarammm and Muhammad Bakhsh Muslim and advise them to refrain from making speeches which amount to incitement to violation of law and order. Maulana Akhtar Ali should be called by D. P. R. separately and also suitably spoken to.
>
> "4. H. S. has seen this note and is taking action accordingly. C. S. may kindly instruct D. P. R."

The following telegram was sent by the Chief Secretary on 21st February in reply to the cypher telegram that had been received from Karachi on 19th February :—

> "THREATENED AGITATION IS LIKELY TO BE STARTED AT KARACHI BUT THERE MAY BE REPERCUSSIONS IN THIS AND OTHER PROVINCES ALSO (.) PROVINCIAL GOVERNMENT IS IN TOUCH WITH SITUATION (.) DETAILED LETTER SEEKING GUIDANCE ISSUED TODAY".

This was, with the Chief Minister's approval, accompanied by the following letter:—

"No. 2249-BDSB,
Punjab Civil Secretariat, Lahore.
February 21, 1953

My dear Ahmad,

Please refer to Ghias-ud-Din Ahmad's D. O. letter No. 14682-BDSB, dated 21st October, 1952, to Hameed-ud Din Ahmad on the subject of the Ahmadi-Ahrar agitation.

"2. For some time the tempo of the agitation slowed up but recently efforts are being made once again with considerable vehemence to whip up popular interest. A large number of conferences and meetings have been arranged throughout the Province and fiery speeches made. The support of *mullas* has been enlisted and much venom is being poured against the Ahmadis. At Gujranwala printed leaflets were broadcast demanding that Ahmadis should be treated as untouchables and separate utensils provided for them at food and drink shops. It was also advocated for sometime in the Gujranwala district that the Ahmadis would not be permitted to be buried in Muslim graveyards. It was only as a result of the interference of the police that incidents on this account were averted. Ahmadis, who felt considerably alarmed over this development, made an application to the District Magistrate for allotment of land to be used as a separate graveyard. At Sargodha on 1st February 1953 the burial of an Ahmadi in the Muslim graveyard was obstructed and the situation was saved only as a result of the arrival of the police. Social boycott of the Ahmadis is being openly preached. At Montgomery, a speaker said that the shops of the Ahmadis would be picketed and they would not be allowed to draw water from public wells. The tone of the agitation, has definitely descended to a lower plane. A campaign for the enlistment of volunteers has been started throughout the Province and Sahibzada Faiz-ul-Hasan appointed as the first dictator. The volunteers are required to sign a pledge which binds them to lay their life, if necessary, for the honour of the Prophet. Some volunteers are said to have given the pledge with their blood. At Lahore, about 150 persons are said to have been enlisted. In other parts of the Province, the number of volunteers so far enrolled is estimated to be about 500. The target for the Province is 50,000. Master Taj-ud-Din Ansari (President, All Pakistan Majlis-i-Ahrar), Syed Muzaffar Ali Shamsi, (Secretary, Idara-i-Tahaffuz-i-Haquq-Shian) and Sahibzada Faiz-ul-Hasan have become particularly aggressive.

"3. The All Muslim Parties Convention which was constituted by the Ahrar last July met at Karachi from the 16th to the 18th January and passed the usual resolutions. Since their return to the Punjab the delegates have shown greater truculence. They are apparently fortified by the support which was given to the demand for the declaration of the Ahmadis as a minority community by the conference of the *ulama* held in Karachi. They affirm that the Honourable Prime Minister, whom they interviewed, was not sympathetic and that, therefore, they gave him an ultimatum threatening to start 'direct action' on the 23rd February. They give out that at Karachi public is on their side and that in the event of an agitation being started they will rally mass support. They also accuse members of the Central Government for having held out promises which have not been kept. A new feature of the agitation since the return of the delegates from Karachi is that a campaign of vilification has been started against the Honourable Prime Minister of Pakistan. In the earlier stages of the agitation, the removal of Sir Zafrullah Khan was demanded but some of the speakers have now been advocating that the Honourable Prime Minister should quit his office.

"4. It is said that 'direct action' will start at Karachi and that volunteers shall be despatched from the Punjab and other Provinces for the purpose. The 'direct action' will take the form of picketing of Ahmadi shops. It has also been threatened that if orders under section 144, Cr. P. C. are promulgated they shall be defied. The demands are as follows :—

(*i*) Sir Zafrullah Khan should be removed from the office of Foreign Minister;
(*ii*) Ahmadis should be declared as a non-Muslim minority;
(*iii*) Ahmadis holding key posts in Government should be relieved of their posts.

"5. The agitation has the support of the Jama'at-i-Islami, the Ahl-i-Sunnat-wal-Jama'at, the Ahl-i-Hadith and the Shias. The Pirs of Golra Sharif (Rawalpindi District), Syal Sharif (Sargodha District), Alipur Sayyadan (Sialkot District), Pir Shaukat Husain (Sajjada Nashin, Darbar Pir Sahib, Multan) and some others have blessed the agitation. Funds are being collected and 'one rupee notes' have been printed and are being sold. Riff-raff elements have also thrown their weight on the side of the agitators. The Bahawalpur branch of the Azad Pakistan Party has given a sum of Rs.1,000 to the agitators.

"6. When the news of the visit of the Honourable Prime Minister to Lahore on the 16th became known, a public meeting was held and it was said that *hartal* should be observed on the date of the arrival of H. P. M. and black flags exhibited on housetops. The speakers were careful to emphasise that violence should not be resorted to but they were at pains to excite and inflame public feeling. Some of the speakers, in the course of their speeches, said that policemen who are called upon to make arrests in the event of civil disobedience being launched should think of doomsday when they would have to answer for their acts which militate against their religious obligations. On the 16th morning, bands of school-boys and street urchins were sent around and shopkeepers asked to close. Several persons who would have liked to keep their shops open, were intimidated and they meekly succumbed to the exhortations of the bands of boys and others parading around the streets. The Ahmadis very wisely closed their shops on their own. A number of schools were also closed. Two incidents took place resulting in violence and bloodshed—one outside the Dyal Singh College and the other at the Ta'lim-ul-Islam. (an Ahmadiya institution) College. Brickbats were exchanged when the students of the colleges concerned refused to walk out and injuries were received. A mock funeral of Sir Zafrullah Khan was also taken out and a number of small processions paraded the streets. Law-abiding citizens did not like the demonstrations but for fear of being dubbed as Ahmadis refrained from expressing their disapproval openly.

"7. The dead line has been fixed for the 23rd when, it is said, 'direct action' will start at Karachi. The Ahrar leaders have worked up mass fury to such an extent that they might find it difficult to retrace their steps. They have been making demagogical and jingoistical speeches and only in order to save their face they will have to do something dramatic on the 23rd.

"8. Meetings are held in Lahore almost every night at which speeches are made with the purpose of exciting popular feeling against the Ahmadis. On the 16th the faces of some shopkeepers who refused to close their shops were blackened. A car was also slightly damaged by the demonstrators near the Dyal Singh College. On the 18th in the N. W. R. Workshop an Ahmadi, who had been worried and taunted for many days, became enraged and struck a non-Ahmadi with a crow-bar rendering him unconscious. He has since absconded and his whereabouts are not known. A depot holder in Lahore refused to sell wheat to an Ahmadi woman and ultimately relented when the woman gave an undertaking that she would take part in any agitation which might be organised against the Ahmadis. A student of the Primary School in Sant Nagar was surrounded by his classmates and slapped. Shouts of ‘Mirzai *kutta*’ were raised by them.

“9. The agitation is not confined to this Province alone. Nor do the demands on which it is ostensibly based fall within the purview of the Provincial Government. This Government, therefore, feel very handicapped in dealing with the situation effectively and think that it will considerably strengthen their hands if the Central Government could enunciate the firm policy that they want to adopt with reference to these demands. Whatever this policy may be, on its enunciation no one will be left in any doubt as to the stand the Pakistan Government desires to take. The Provincial Government feel that they are strong enough to implement that policy within the Province.

Yours sincerely
(Sd.) H. A. MAJID”

G. AHMAD, ESQUIRE, P. S. P.,
Secretary to the Government of Pakistan,
Ministry of the Interior, Karachi.”

On the same day Mr. Anwar Ali, I. G. P., wrote the following note to the Chief Secretary:—

“Government may like to see the record of the speech made by Maulvi Muhammad Ali Jullundri at a meeting held at Lahore on 16th February 1953. One thing is very significant and that is that in a loquacious moment he admitted that he and his party were opposed to the partition. He said further that the reasons why they held that view should become apparent to the people and that, in any case, if that awakening had not taken place it would do so within a year or two. He also condemned the Government vigorously, his main target being the H. P. M. The speakers also maligned at this meeting the Chief Ministers of the Punjab and N. W. F. P. The H.P.M. is being branded as a Mirzai. In another meeting Ata Ullah Shah Bukhari described him as “*budhulazina ahmaqoon*” (fool of fools). Contempt is a characteristic of the speeches.

“2. At a time when food is short, unemployment rampant, business depressed and Kashmir popularly held to be lost, anyone who attempts to spread confusion is no friend of Pakistan. It is my view that the Ahrar and the other *ulama* who are backing them have been singularly successful in diverting the public attention from the serious problems which confront the country. This confusion will weaken the determination of the people to

> fight the problems and to remedy them. We have evidence to show that the Ahrar took money from the Bahawalpur branch of the Azad Pakistan Party. They are sabotaging Pakistan. Government should gird its loins and face the menace. Sympathy of the intelligent public is being lost and the foreigners have begun to question the ability of the Government to face the crisis created by the *ulama*. The representative of the 'London Times' gave the impression to an officer of the Punjab Government that the Central Government was too weak to deal effectively with the existing problems. The British Deputy High Commissioner in Lahore told me last night that he had been receiving reports that the situation in the country was very threatening and that a general flare-up was imminent. H. S. Suhrawardy, Malik Khizar Hayat Khan and the Nawab of Mamdot have met the British D. H. C. We have apprised the Central Government of the seriousness of the situation and let us hope that a firm line will be taken.
>
> "3. Maulvi Muhammad Ali Jullundri has been delivering objectionable speeches before also and orders were issued that he should be prosecuted under section 124-A for a speech which he made at Montgomery. I am trying to find out what progress has been made in that case".

As direct action could now be expected to assume at any time a practical shape, Mr. Anwar Ali instructed all Superintendents of Police and Group Officers of C. I. D. to be alert and to watch the situation carefully. These officers were also requested to gather information about the enrolment of volunteers. The figures received later showed that more than 55 thousand volunteers had been enrolled in the Province.

Realising that the situation was becoming serious and that some measures to meet the apprehended danger to law and order had immediately to be taken, the Prime Minister decided to hold a meeting of the Central Cabinet. Representatives of the Punjab and the North-West Frontier Province also were directed to attend this meeting. Accordingly the meeting was held on the evening of 26th February and was attended by Khwaja Shahab-ud-Din, the Governor, and Khan Abdul Qaiyum Khan, the Chief Minister, from the North-West Frontier Province and Mr. Muhammad Husain Chatha, the Revenue Minister, Mr. Ghias-ud-Din Ahmad, the Home Secretary and Mr. Anwar Ali, the Inspector-General of Police, from the Punjab. Mr. I. I. Chundrigar, the Governor, and Mr. Mumtaz Muhammad Khan Daultana, the Chief Minister, of the Punjab who both had been invited to the meeting had some other engagements in Lahore and could not, therefore, go to Karachi. They, however, gave full instructions to the Punjab Minister and the officers who flew to Karachi. The matters that had to be discussed at the meeting were the three demands which had been communicated to the Prime Minister on 22nd January and the threat to law and order arising out of the direct action programme which was being finalised by the Central Majlis-i-Amal. The Punjab representatives had been instructed to communicate to the Central Government that in the opinion of the Punjab Government the demands were unreasonable and were to be resisted with firmness. The session of the Cabinet continued till 9 p.m. but no decision could be taken. At about 2 o'clock the following morning another meeting of the Cabinet was called on receipt of information that on that morning the houses of the Governor-General and the Prime Minister were to be picketed by volunteers. This meeting, which was also attended by the Governor of Sind, the Governor and Chief Minister of North-West Frontier Province, the Chief Commissioner and I. G. P., Karachi, the Secretary of the Interior, and the Deputy Chief of Staff, took the following decisions:—

(1) to arrest all prominent leaders of the agitation including Maulana Akhtar Ali Khan of the 'Zamindar',

(2) to ban the 'Azad', the 'Zamindar' and the 'Alfazl',

(3) to warn Mirza Bashir-ud-Din Mahmud Ahmad not to move out of Rabwah or to do anything which might cause excitement or provocation, and

(4) to stop the movement of volunteers to Karachi by taking action at the station of embarkation.

Armed with these decisions Mr. Chatha, the Revenue Minister, Mr. Ghias-ud-Din Ahmad, the Home Secretary and Mr. Anwar Ali, the I. G. P., returned to Lahore the same day.

PRELIMINARY MEASURES

Since its very constitution the Majlis-i-Amal, Punjab, had commenced making preparations for large-scale operations if a clash with Authority became necessary, and the whole paraphernalia for civil disobedience—volunteers, funds, bases of operation, committees of action, lists of dictators, a population charged with hatred of Government and Ahmadis and a complete absence of any ideological resistance—was ready when the ultimatum of direct action was given to the Prime Minister on 22nd January 1953. The decision to launch direct action was actually taken in Karachi by the *ulama* on the night of 26th January, and in the small hours of the following morning the Central Government found itself compelled to pick up the gauntlet.

On their return to Lahore on 27th February, the Punjab representatives communicated to their Government the decisions taken at Karachi. Mr. Anwar Ali, Inspector-General of Police, drew up his own proposals to implement the decisions taken and the policy laid down by the Central Government. These proposals which were discussed and approved in a meeting attended by the Chief Minister, the Minister for Revenue, the Home Secretary, the Inspector-General of Police, A. D. I. G. (C. I. D.) and Superintendent of Police (A), C. I. D., were :

"(*i*) All active Ahrar workers and other individuals who have been responsible for espousing the 'direct action' movement (*vide* list attached) should be arrested to-night throughout the Province.

(*ii*) The arrests should be made under section 3 of the P. P. S. A, initially by D.M.s/S.P.s (other than Lahore) on their own initiative. At Lahore the orders of detention should be issued under the authority of the Punjab Government. Orders for further detention of the individuals in outlying districts will be sent in due course by Government.

(*iii*) The following newspapers should be banned :—

(*a*) The 'Zamindar';
(*b*) The 'Azad';
(*c*) The 'Alfazl'.

(*iv*) Khwaja Nazir Ahmad, who controls the policy of the 'C. & M. G.' should be sent for by H. S. and told that he should see that the arrests are not made a matter for jubilation and that utmost restraint is exercised in the next month, or two.

(*v*) Khalifa Bashir-ud-Din Mahmud should be warned personally by D. M., Jhang, and told that he should advise members of his community, particularly his secretariat staff, to avoid causing provocation.

(*vi*) Information about volunteers who leave Lahore should be sent to the Sind as well as to the Karachi Police so that arrangements for their arrests *en route* can be made.

(*vii*) H. S. should hold a Press Conference on the 28th and explain the Government point of view and appeal to the newspapers to emphasise the need for patience and restraint.

(*viii*) A circular letter should be issued to all District Magistrates and Superintendents of Police giving the background of the action taken by the Central and Provincial Governments. These officers should also be asked to enlist the help of the sane elements in making the public appreciate the importance of maintaining law and order" .

The following wireless signal was immediately sent by the Home Secretary to the District Magistrates and Superintendents of Police of Rawalpindi, Gujranwala, Sialkot, Lyallpur, Montgomery, Multan, Sargodha and Sheikhupura districts:—

"In view of the worsening of the anti-Ahmadi agitation please arrest the following under section 3 Public Safety Act for a period of fourteen days(.) Orders for further detention will be issued by Government and sent in due course(.) Action should be taken on night between 27th & 28th February by either of you whoever is at headquarters and compliance report sent(.) Letter follows(.) For S. Ps. only(.) Until further orders you should signal

> daily sitreps to D. I. G., C. I. D(.) The sitreps should be brief and shall contain all important available information and general reactions to the action taken by Government particularly if there is any active attempt to organise and send volunteers to Lahore or Karachi or to launch civil disobedience locally or to collect funds in this connection(.)

Rawalpindi—M. Ghulam Ullah Khan, Khatib Purana Qila Mosque, Rawalpindi.
Gujranwala—M. Muhammad Ismail of Gujranwala city.
Sialkot—1. Qazi Manzur Ahmad of Rangpura, Sialkot city.
  2. Wali Muhammad Jernail, Sialkot city.
Lyallpur—1. Ghulam Nabi Janbaz of Lyallpur.
  2. Ghazi Muhammad Husain salar of Tandlianwala.
  3. Maulvi Obeidullah of Lyallpur.
Montgomery—1. Maulvi Habibullah of Jamia Rashidia, Montgomery.
  2. Maulvi Lutfullah Khan of Montgomery.
Multan—1. Muhammad Ali Jullundri of Multan.
  2. Qazi Ehasan Ahmad Shujabadi, District Multan.
  3. Sh. Muhammad Saeed of Khanewal, District Multan.
Sargodha—Maulvi Abdullah of Sargodha.
Sheikhupura—Qazi Muhammad Amin of Sheikhupura" .

By another wireless signal the District Magistrates and Superintendents of Police of Gujrat, Jhelum, Campbellpur, Jhang, D. G. Khan, Mianwali and Muzaffargarh districts were informed that certain members of the Ahrar organisation as we'll as some non-Ahraris had been ordered to be arrested in connection with the anti-Ahmadi agitation in other districts and that these officers should remain vigilant and immediately report to Government if any-thing of importance happened or was expected in their districts.

By a most immediate top priority secret O. T. P. cypher telegram dated 27th February 1953, the Central Government communicated their views on the demands to the Punjab Government. Defining their attitude, they said :—

> "2. (*i*) The Ahmadis or indeed any section of people cannot be declared a minority community against their wishes. It is not part of functions of Government to coerce any group into becoming a minority community.
>
> (ii) Ahmadis cannot be removed from key posts under Government only on the ground that they are Ahmadis. Nor can demand for the removal of Honourable Minister for Foreign Affairs be entertained on the ground that he is an Ahmadi. There is a constitutional machinery provided for the removal of any Minister from office. So long as he continues to enjoy confidence of his colleagues and elected representatives of people in the Central Legislature he cannot be removed from office. No Minister can be removed from office merely because a section of people demands under threat of direct action that this be done. No Government servant whether

Muslim or non-Muslim can be removed from any post under Government because of the religion he professes.

(*iii*) The demand for the removal of Ahmadis from key positions in the Government arises apparently from an apprehension that they might misuse their positions to propagate their particular religious creed. To remove this apprehension, Government have already issued strict instructions prohibiting the propagation of any sectarian creed by any Minister or any officer of Government.

3. Central Government do not (repeat not) propose to make an official declaration on the lines of paragraph 2 above unless the situation demands that such a declaration should be made. But Provincial Governments are requested to organise intensive publicity on these lines immediately and to give proper guidance to the press.

4. A press communique is being issued today following the arrest of prominent leaders of agitation in Karachi. It is necessary to isolate the Ahrar from other comparatively lukewarm sponsors of agitation and to concentrate attack on Ahrar for the present. The line taken in communique in respect of Ahrar should be reinforced by full publicity of their past misdeeds and present disruptionist activities".

The press communique issued by the Central Government explained that the anti-Ahmadiya agitation had been organised by the Ahrar who, as was apparent from their past, had, before the Partition, worked in close cooperation with the Congress and other bodies which were arrayed against the Quaid-i-Azam in his struggle for the freedom of Muslims, that this party had not yet reconciled themselves to the establishment of Pakistan, that their object was to create dissensions among Muslims and to undermine public confidence in the stability of Pakistan, that the agitation was clearly designed to destroy Muslim solidarity by fomenting internecine dissensions under the cloak of religion, that the sponsors of the agitation had decided to embark upon direct action and planned disturbances on a large scale with a view to forcing the Government to yield to their dictation, that no Government worthy of the name could allow itself to be coerced by direct action on the part of any section of the community, that Government was resolved to maintain law and order with all the resources at its command, and that if public peace were disturbed, the law will have its course and those responsible for flouting it will have to bear the consequences. The communique also appealed to all sections of the people not to countenance any unlawful activities and to see that nothing was done that might in any way prejudice the safety or stability of Pakistan.

A copy of this communique was circulated by the Chief Secretary on 28th February 1953 to all District Magistrates and Commissioners of Divisions in the Punjab informing them that Government had ordered the arrest of the ringleaders of the Ahrar party and some other persons who were taking an active part in the agitation, that the publication of the 'Azad' and the 'Alfazl', the party organs of the Ahrar and the Ahmadiya community respectively, had been banned, and that District Magistrates were to keep a vigilant eye on the situation in their districts. The accompanying letter also directed the District Magistrates to acquaint the public with the Government's stand-point on the basis of the Central Government's communique and to put special emphasis on the fact that the agitation had been created and fomented by the Ahrar for their own ends and that the action taken by Government was mainly directed against them. The letter also conveyed to the district authorities the Provincial Government's desire that no 'further arrests' were to be made unless local circumstances made it absolutely necessary and it was felt that there was no time for prior consultation with the Provincial Government. As it was feared that the agitators might start sending volunteers to Lahore or to Karachi to offer themselves for arrest, the District Magistrates were directed to take the following steps immediately:—

> "(*a*) You should enlist the help of the saner elements in your district to influence public opinion and thought on the right lines. It should be impressed upon them that whereas the Government do not in any way want to interfere with or curb the legitimate rights—religious or secular—of the citizens, they will not give any quarter to those whose intention is to jeopardise the public peace or embarrass Government.
>
> (*b*) You should also warn the leading members of the Ahmadiya community in your district that they should scrupulously desist from saying or writing anything which may tend to aggravate the situation or provoke the followers of the other sects. They should particularly be asked to refrain from expressing any jubilation over the action which has been taken by Government, as it may create an erroneous impression of partisanship against the Government.
>
> (*c*) The Superintendents of Police are being asked to send daily situation reports to the Deputy Inspector-General of Police, C. I. D. In addition to these situation reports, if anything of importance or unusual nature in this connection comes to your notice, you should immediately inform the Home Secretary either on the Police Wireless or on the telephone.
>
> (*d*) Until the situation sufficiently calms down, you should, as far as possible, remain at your headquarters."

On 1st March 1953, the Home Secretary addressed the following letter to all Superintendents of Police excluding Senior Superintendent of Police, Lahore, all Deputy Commissioners excluding District Magistrate, Lahore, Deputy Inspector-General of Police, Lahore Range, Commissioners of Divisions excluding Lahore Division, and all Deputy Inspectors-General of Ranges excluding Lahore, for information:—

> "The Ahrar agitation is now taking the shape that volunteers are being sent from the outlying districts to Lahore for the so-called 'direct action' (.) Government's intention is that the agitation should, not be allowed to spread from the outlying districts to Lahore and that local action should be

> taken to suppress it at the source (.) You should, therefore, take firm action to ensure that volunteers do not come to Lahore(.) Government leave it to your discretion to take what steps you consider necessary including the promulgation of prohibition under section 144, Cr. P. C. (.) Mass arrests of volunteers should be avoided. (.) As already instructed you should enlist the support of saner elements of your district in influencing the public opinion in favour of Government's action(.)"

Copies of this letter were also sent to D. M. and S. S. P., Lahore, for "similar compliance" and to D. I. G., Lahore, "for information" .

On the same day a wireless message No. 2563-82/BDSB, from D. I. G., C. I. D. to all S. Ps. and Range D. I. Gs. was sent containing, *inter alia*, the following direction : —

> "No volunteers to be permitted to proceed to Karachi and if possible to Lahore as well" .

On 2nd March 1953, Malik Habib Ullah, A. D. I. G., C. I. D., addressed the following direction regarding volunteers : —

> "As directed by the Inspector-General of Police, I informed the Superintendents of Police, Gujranwala, Rawalpindi, Sargodha, Lyallpur, Montgomery and Multan, on telephone that persuasive methods should be employed to desist volunteers from going to Karachi, but in case persuasion failed, they need not be arrested. ……………… It is proposed that batches of volunteers coming to Lahore from the outlying districts should, wherever possible, be intercepted a long way out of Lahore and dealt with on the spot. If this procedure succeeds, a good deal of pressure could be relieved from the public meetings and processions in Lahore proper. For the last two days a considerable number of volunteers have been, pouring into Lahore from Rawalpindi, Gujrat, Sialkot, Gujranwala, Sargodha, Lyallpur and Montgomery districts. Similar arrangements to isolate volunteers will be made at the Railway Station Lahore. It might not be possible to intercept volunteers travelling by train on any of the intervening stations" .

On 4th March 1953, the Home Secretary, in continuation of D. I. G., C. I. D's. signal 2563-82/BDSB, dated 1st March 1953, to all S. Ps. and Range D. I. Gs. sent the following directions to all D. Ms., S. Ps. and Range D. I. Gs. about volunteers :—

> "Persuasion should be adopted in the first instance to dissuade batches of volunteers from proceeding to Lahore or Karachi. If persuasive methods fail, then appropriate preventive action should be taken" .

PART III

THE DISTURBANCES
(From 27th February to end of Disturbances)

ACCOUNT OF DISTURBANCES.

The members of the Action Committee were arrested in Karachi on 27th February. On instruction's received over the telephone in Lahore from the leaders of the movement who were in Karachi, some batches of volunteers had already left Lahore for Karachi. The one that left on 27th February under the leadership of Ghazi Ilm-ud-Din was intercepted and detrained by the Punjab Police at Railway Station Lodhran, while the other two, one of which had left on the 25th under Miraj-ud-Din Salar and the other on the 26th under Sahibzada Faiz-ul-Hasan, succeeded in reaching Karachi and were arrested there.

Action decided upon in Karachi on the night of 26th/27th February was taken by the Punjab Government and persona whose list had been prepared by the Inspector-General of Police on his return from Karachi were arrested. These arrests generated a wave of resentment and lawlessness throughout the Province, more especially in Lahore and the district towns of Sialkot, Gujranwala, Rawalpindi, Lyallpur and Montgomery. The mounting wave of disorder became so uncontrollable in Lahore that on 6th March the military had to step in and put the town under Martial Law.

LAHORE.

27th February 1953—In compliance with the decision arrived at in Karachi a warrant for the arrest of Maulana Akhtar Ali Khan was issued but when it was shown to him by the police officer who had been entrusted with its execution, the Maulana offered to give an undertaking that he would sever his connection with the agitation if he were not arrested. He was taken to the Civil Lines Police Station where he wrote out the following apology :—

> "I consider the turn taken by the present movement harmful for the integrity of Pakistan and think that if this movement continues like this, the enemies of Pakistan would take undue advantage of it and every Pakistani would disapprove any such movement as jeopardises the integrity of Pakistan. The present trend of this movement tends to engender discord and chaos in the country. If, God forbid, disturbances increase and the Government is compelled to use force, it shall be highly derogatory for both sides. In my opinion, even a single drop of a Musalman's blood is more valuable than the whole of the Universe. We should, therefore, further consider the matter in order to straighten the situation. I am not connected with the present 'direct action'. I have never advocated violence, nor was I in favour of reproaching and abusing the Governor-General, the Prime Minister and other dignitaries of Pakistan or taking out their (mock) funeral processions or picketing their houses. What to say of doing such things, in my view, even to think of such things is not right for a right thinking Pakistani. In order to stabilise the inner administration of our country and to enhance its prestige and dignity in the eyes of foreign

> countries, we should abstain from committingr any such act as might result in making us an object of ridicule in the eyes of the world."

According to this document one drop of a Musalman's blood was more precious to the Maulana than the entire creation; the Maulana had nothing to do with 'direct action'; the shape that the movement had taken carried in it a threat to the solidarity of Pakistan; the Maulana was against violence and disorder of every sort; he could not possibly think of putting up with such things as mock funerals of the Prime Minister and other leaders or picketing of their houses ; and he was against everything which was calculated to expose Pakistan and her people to the ridicule of the world. In view of this abject apology, Maulana Akhtar Ali Khan was not arrested and no action was taken against his paper, the 'Zamindar', until it misbehaved again on 28th February.

28th February 1953—With the arrest of the leaders in Karachi on the 27th and in the Punjab on the night of 27th/28th February, shops were closed in Lahore and small demonstrative parties walked in the streets forcing unwilling shopkeepers to close their shops. In the afternoon a public meeting was held in the garden outside Delhi Gate where some volunteers who had prepared themselves for arrest were garlanded and taken in procession towards the Civil Secretariat. On the way, however, the crowd changed its mind and marched on The Mall with Government House as its objective. The crowd numbered five to six thousand but there was no apparent tendency to violence, the processionists contenting themselves with shouting anti-Government, anti-Police and anti-Ahmadi slogans. The procession was stopped and asked to disperse near the Charing Cross where the Commissioner, the Inspector-General of Police, the Deputy Inspector-General of Police, the District Magistrate and the Senior Superintendent of Police had arrived. The garlanded volunteers came out and offered themselves for arrest. They were, however, told that since there was no ban on public assemblies or processions, they had committed no offence and could not be arrested. The volunteers, however, insisted on their being arrested and in order to clear the road for traffic, thirty-four persons were arrested under section 107/151 of the Code of Criminal Procedure, put in a truck, driven away and dropped at some distance from the town. The crowd then dispersed and scattered in different directions.

Shortly after this the Commissioner, the Home Secretary, the Inspector-General of Police, the District Magistrate and the Senior Superintendent of Police conferred together in the Civil Lines Police Station and after discussing the situation decided against the banning of public meetings and processions.

1st March—This was a day of processions and arrests.

The news that Maulana Akhtar Ali Khan had apologised went round the whole town. The public became furious and besieged his house on the McLeod Road. A posse of police, however, arrived and on an assurance by the Maulana's son that he was in his village in Karamabad in the Gujranwala district, the mob dispersed. At about the same time Maulana Ahmad Ali organised a big procession outside the Delhi Gate. The crowd appeared. to be in a violent mood and damaged a police vehicle by throwing brickbats

Maulana Ahmad Ali was arrested under section 3 of the Punjab Public Safety Act and thirty-two other persons were arrested under section 107/151 of the Code of Criminal Procedure. Another procession appeared near the High Court Building, intent on marching on the Government House. It was stopped and twenty-nine persons were put under arrest by the Additional Superintendent of Police. The same officer faced another procession on the Mall where he arrested twenty-three more persons. la the afternoon a large procession set out from the Delhi Gate for the Government House but was stopped near the Charing Cross in the presence of the Commissioner, the Home Secretary, the Inspector-General of Police, the Deputy Inspector-General of Police and the District Magistrate. Many men came out and offered themselves for arrest. They were put into trucks and, as on the previous day, dropped away from Lahore. The crowd then dispersed without showing any signs of violence.

2nd March—It appears that on hearing that Maulana Akhtar Ali Khan had deserted the cause and closeted himself in his house in Karamabad, some local men went to him there and taunted him with cowardice. The Maulana denied the accusation and came to Lahore on the evening of the 1st or the morning of the 2nd March. He went to Wazir Khan Mosque where he attempted to explain his position to the public and asserted that he was still as true to the movement as he had been before. He also announced that he would offer himself for arrest in the afternoon. Accordingly a procession, 10,000 strong, set out from the mosque in the evening. This time the crowd was hostile and rowdy. The procession was stopped near the Charing Cross, where the Commissioner, the Home Secretary, the Inspector- General of Police, the D. I. G. Police and the S. S. P. were present, and declared an unlawful assembly. The Maulana and some others were arrested and collected in a place which was cordoned by the police. Suddenly a crowd of about 1,000 attacked the police cordon with brickbats, tins, bottles and other odd missiles. In the attack eleven police officers, including two Superintendents of Police, namely, Mr. Zulqarnain Khan and Mr. Taylor, were injured and the crowd had to be *lathi*-charged. The Maulana was removed to the jail and forty-one persona were arrested for assault and rioting. The persons who had been arrested earlier with Maulana Akhtar Ali Khan were taken away from Lahore and released as before. The crowd thereupon dispersed. After the mob had cleared off, the Commissioner, the Home Secretary, the Inspector-General of Police, the Deputy Inspector-General of Police, the District Magistrate, the Senior Superintendent of Police and the Superintendent of Police, C. I. D. held a conference at the Civil Lines Police Station. As the situation had been rapidly worsening, it was decided to inform the General Officer Commanding, the 10th Division, and to request him to come over and stand-by with troops in aid of civil power. The General did not come himself but sent his G. S. O. 1 (Lt. Col. Sheereen Khan) and two other officers who explained that if military aid was needed a requisition from the Provincial Government was necessary. This led to some argument, the civil authorities contending that the District Magistrate, without any reference to Government, was competent to ask for aid from the army and the military officers sticking to the position that as the question of the cost of troops was involved, requisition for military aid should formally come from the Provincial Government. During the argument the Inspector-

General of Police offered to make a written requisition on behalf of the Punjab Government. A letter was, therefore, drafted which was signed and handed over to the military officers by the Home Secretary. The letter stated that as an outbreak of serious disorder was apprehended in Lahore and it was felt that civil authorities may not be able to cope with the situation, the Home Secretary was desired by the Provincial Government to request for the aid of troops to help the District Magistrate in the prevention and suppression of disorder. The written requisition left the number of troops, the period for which they were to be employed and the manner in which they were to be posted, to be communicated in due course to the G. O. C. by the District Magistrate, Lahore. At the conference a decision was also taken to promulgate an order under section 144 of the Code of Criminal Procedure, prohibiting processions in specified parts of the Lahore Corporation. The same evening a meeting of the Cabinet was held at the Chief Minister's residence which was attended by the officers who had met at the Civil Lines Police Station and by the Chief Secretary. The steps taken at the Civil Lines Police Station were approved by the Cabinet and a little after midnight the District Magistrate issued an order under section 144 of the Code of Criminal Procedure, prohibiting an assembly of five or more persons from collecting within the Corporation limits of the City of Lahore 'excluding the area surrounded by the Circular Road'.

3rd March— This was comparatively an uneventful day. The military moved to the Jinnah Garden and in the morning started patrolling the Civil Lines and the city area of the Corporation except the walled city. The Border Police also moved about. Some unimportant processions were taken out in the walled city and other areas covered by the order under section 144. Thirty-one persons were arrested in Anarkali for defying the order under section 144 and a defiant procession coming from Nila Gumbad to the Mall was dispersed near the Tollinton Market by a *lathi*-charge ordered by Mr. M. A. K. Chaudhri, Assistant Superintendent of Police. Two other crowds were halted and dispersed by *lathi*-charge by a police party led by the Inspector- General of Police himself. The only serious incident that occurred on this day was the stoning of a police party led by Inspector Agha Sultan Ahmad of Naulakha by a mob of about a hundred persons which was moving from the McLeod Road towards the Charing Cross via Montgomery Road. The police fired three rounds without causing casualty.

In the evening it was noticed that the troops had ceased patrolling.

4th March— On 4th March a meeting of the Cabinet was held which was attended by the Chief Secretary, the Home Secretary, the Inspector-General of Police and the Deputy Inspector-General of Police. The Inspector -General of Police read out the report of a speech delivered on the preceding night by Maulana Abdus Sattar Khan Niazi at the Wazir Khan Mosque. The speech was highly inflammatory, and an order of his arrest under section 3 of the Punjab Public Safety Act was passed by the Home Secretary but it could not be executed because the mosque where Niazi had enthroned himself had become an impregnable strong-hold of the agitators.

The military, apparently under orders from headquarters, stopped patrolling, and one or two Companies even returned to the Cantonment from the Jinnah Garden. Several processions were taken out and dispersed. One of these surrounded the Ahmadiya Buildings and was dispersed by a mild *lathi*-charge by A. S. I. Muhammad Akram. Streams of volunteers had now started pouring into Lahore by rail and by road. A batch of volunteers from Sargodha was dispersed by Sub-Inspector Muhammad Hamid near the Naulakha Police Station. Another batch of 110 Ahrar volunteers on the Brandreth Road was met by Sayyad Hasanat Ahmad, City Magistrate, Malik Khan Bahadur, Superintendent of Police and Sayyad Firdaus Shah, Deputy Superintendent of Police. The volunteers refused to disperse and reached Chowk Dalgran where they were tear-gassed. They would still not disperse and sat on the ground. A *lathi*-charge proving ineffective, they were lifted bodily, put into trucks and taken away. False rumours about this incident began at once to be circulated. It was given out that the police, in dispersing the volunteers, had profaned the Holy Qur'an by kicking and tearing it, and killed a small boy. At a meeting held outside Delhi Gate a boy was produced, holding in his hand some torn leaves of the Holy Book, who said that he was an eyewitness of the sacrilegious incident. A *maulvi*, probably Maulvi Muhammad Yusuf, took these leaves of the Book in hand, held them out to the audience and made a violent speech, infuriating the already excited crowd. The faked incident became a public topic for excited crowds and spread like wild fire throughout the city within a few hours, creating feeling of anger and hatred against the police.

The above-mentioned account of the Dalgran incident has been taken by us from the written statements and the evidence of officers. The version given of this incident by the Ahrar and the Majlis-i-Amal, however, is entirely different, and it is alleged that during that incident a police officer did kick at the Holy Qur'an, and beat to death a young boy, and in support of this allegation Muhammad Nazir witness No. 32, Muhammad Hanif witness No. 33, Sheikh Muhammad Rafiq witness No. 34 and Siraj Din witness No. 37 have been examined. The Court also examined Sayyad Hasanat Ahmad, City Magistrate, Lahore, and Malik Khan Bahadur Khan, Superintendent of Police, Punjab Constabulary, who were present on the occasion. According to the non-official witnesses, a batch of volunteers was coming from Chowk Dalgran side towards the railway station when it was stopped by the police. The volunteers were asked to disperse but they sat down and when an attempt was made to remove them to some trucks which were standing near by, they laid themselves on the ground and had to be dragged. Among the men who were so dragged was an old man who had on his person a *hama'il*. When he was being dragged; the *hama'il* came off his person and a police officer of short stature and with a goitre in his neck kicked at it. The witnesses differ whether the *hama'il* was pushed into the drain or remained lying on the ground and whether it was in a cover or without a cover. The man who was wearing it has not been called and his particulars have not been given; nor have the particulars of the boy who is said to have been beaten to death been given. We cannot imagine that a Musalman police officer, however irreligious he may be, would kick at the Holy Book, and thus be guilty of the grossest blasphemy. This is conceded in the arguments before us but it is suggested that the Book might have been trampled upon unintentionally. Sayyad Hasanat Ahmad and Malik Khan

Bahadur Khan have both denied the allegation and since non-official evidence about it is hopelessly discrepant, we cannot hold that anyone kicked at the Holy Book or beat any boy to death.

Other tactics resorted to by the agitators to spread hatred of authority were:

(1) circulation of leaflets to the effect that more than a thousand persons had been shot down in Jhang and Sargodha whereas the truth was that not a single bullet had been-fired that day in either of these places;

(2) spreading the rumour that Ahmadis were going about in cars shooting down people indiscriminately;

(3) announcement from the Wazir Khan Mosque that Government servants had struck work and joined the movement; and

(4) spreading reports that the district police had refused to fire and that it was the Border Police and the Constabulary Police alone who were firing.

The allegation that some Ahmadis clad in military uniform went about in a jeep indiscriminately shooting people has been made the subject-matter of proof before us and several witnesses have been called in support of it. But though some mysterious vehicle with some unidentified men in it seems to have moved about on this day, there is no evidence before us that the occupants of this vehicle were Ahmadis or that the vehicle itself was the property of an Ahmadi.

At 4-30 p.m. a public meeting was held outside Delhi Gate with an audience of about 5,000 where references to a child having been shot and the Holy Qur'an having been trampled under foot by the police in Chowk Dalgran were made. After the meeting a procession was formed which moved towards the Wazir Khan Mosque. The crowd was stopped by Assistant Sub-Inspectors Manzur-ul-Haq and Muhammad Sadiq near the mosque. Information was received over the telephone by Sayyad Firdaus Shah, Deputy Superintendent of Police, that these two Assistant Sub-Inspectors had been kidnapped and taken inside the mosque where they had either been killed or were on the point of being killed. The Deputy Superintendent of Police took an armed reserve led by S. I. Muzaffar Khan of Police Station Kotwali and marched towards the mosque. Just outside the mosque he was met by a furious mob and when he inquired about the whereabouts of the two police officers, he was surrounded and attacked by the rioters with knives and sticks and killed on the spot. He had as many as fifty-two injuries on his-person. His own revolver and two muskets of the policemen who were accompanying him, were snatched and Sub-Inspector Muzaffar Khan was injured. The D. S. P.'s body was conveyed by someone to the Kotwali where the Home Secretary, the Inspector-General of Police, the District Magistrate and the Senior Superintendent of Police were present. Col. Alam, Officer Commanding 1st Baluch Regiment, also arrived with some other officers and the General Officer Commanding joined a little later. While these officers were reviewing the situation, the District Magistrate disclosed that on hearing the news of the murder of the D. S. P. he had decided to hand over the town to the military and communicated his desire to the military officers. This action was not approved by the Inspector-General of Police who thought that there was no necessity of surrendering control to the army at that stage. If the District Magistrate had in fact handed over control to the army we would have considered him as having acted sensibly and wisely, but that officer himself is not willing to take the credit for any such action and in his evidence before us he has completely denied having ever decided to hand over to the military.

The officers present decided to impose the curfew and the necessary order was promulgated by the District Magistrate. The police patrolled the town and came across several crowds which were dispersed by firing. Thus a mob which was defying the curfew was contacted near the Bhati Gate and it dispersed on a few rounds having been fired. Firing was also opened at a crowd in the Naulakha Bazar who had come out of their houses in contravention of the curfew. A mob of Ahrar volunteers which had collected on the Circular Road near the Ahrar office, began to advance towards the Kotwali and after being given the necessary warning, was fired upon, one of them having been killed and another wounded. Another crowd was dispersed by Chaudhri Muhammad Husain, Superintendent of Police, at the McLeod Road by rifle fire which resulted in some casualties. Firing was also resorted to on the Nisbet Road by Inspector Agha Sultan Ahmad who fired four rounds; twice in Gowalmandi by the Sub-Inspector; by the Inspector-General himself at a crowd which was heading towards the Kotwali, causing some casualties; and by Assistant Sub-Inspector of Police, Police Post Mochi Gate, on rioters who were brickbatting the Police Post. The whole city was literally in a state of tumult and throughout the night weird and dreadful noises could be heard over long distances.

A little after midnight a meeting was held at the residence of the Chief Minister which was attended by the Home Secretary, the Inspector-General of Police, the Deputy Inspector-General of Police, the District Magistrate, the Senior Superintendent of Police and the General Officer Commanding and some other military officers and continued till 3 a.m. The Inspector-General of Police apprised the General Officer Commanding of the events that had happened and were expected to happen so that it might be decided how the military could be effectively employed.

5th March—The events that occurred after the murder of Sayyad Firdaus Shah, Deputy Superintendent of Police, and the awful eerie noises that were heard on the night of 4th proved to be ominous portents for the dawning day. Though everyone was guessing what would happen, the events when they came were beyond all prediction. That the order under section 144 of the Code of Criminal Procedure prohibiting assemblies in public was not made applicable to the walled city and none of the responsible officers could go to Wazir Khan Mosque where the Deputy Superintendent of Police had been, murdered, was a tacit admission of the fact that the city had become out of bounds for the authorities responsible for the maintenance of order.

At 9 o'clock on the morning of 5th March the District Magistrate called a meeting of notables of the city with a view to persuading them to issue an appeal to the public to remain peaceful and to use their personal influence with the masses, but none agreed to be a party to any such course of action, and only a few women offered to go to the Wazir Khan Mosque. As the day advanced, incident after incident began to happen, involving attacks on the police and the Ahmadis and the looting and burning of property belonging to Government or to the Ahmadis. The order issued under section 144 prohibiting the gathering of five or more persons in public places was defied throughout the town and mobs collected everywhere, threatening and abusing persons in vehicles and in some cases pulling them out. Manzur Ahmad, an Ahmadi teacher of Baghbanpura, was stabbed to death and this was followed by some more murders and general loot and arson. Some Government omnibuses were completely burnt and two post offices were first looted and then burnt. One police vehicle was set on fire and six others damaged. Several private concerns were also looted. A police party which was taking some dead bodies for post-mortem examination to the Mayo Hospital, was met by a mob which attempted to seize the bodies in order to parade them before the public, and two constables received injuries in the fracas. Police were brickbatted in several and fired upon in two places, one head constable having been wounded with a bullet. A military patrol was also brickbatted outside Lohari Gate and it had to open fire. The police had to fire in several places during the day. Clerks of several offices including the Secretariat stopped work and came out. The Islamia College students also left their classes and marched to the Dyal Singh College where they persuaded the students of that College to come out and join them. They threw brickbats, breaking windows and panes and damaging the principal's car. From the Dyal Singh College they went to the University Hall and from there to the Government College. No attempt was made to disperse them by force because the police appeared to be anxious to avoid a clash with students.

Cyclostyled posters appeared on the walls calling upon policemen to lay down their arms because the struggle against the Government was a *jihad* in which no Muslim could fire upon another Muslim.

Curfew was imposed by the District Magistrate prohibiting people from appearing on any road, street, lane, by-lane, thoroughfare or any other public place between 3-30 p. m. and 6 a. m. on 5th-6th March and between 6 p.m. and 6 a.m. from 6th to 11th March 1953. This order applied to the whole town with the exception of a portion of the Civil Lines. The assembling of five or more persons in any public place and the carrying of arms at any time of the day or night within the aforesaid area were also prohibited in the aforesaid areas for a period of two months.

In the morning the Governor called a meeting of the Cabinet to which the Chief Secretary, the Home Secretary, the General Officer Commanding the 10th Division and some Staff Officers, the Inspector-General of Police, the Deputy Inspector-General of Police, the District Magistrate and the Senior Superintendent of Police were also summoned. To the Ministers and officers present at the meeting the Governor suggested use of force in strong measure as his experience in Bombay showed that if in the early stages of a disturbance a large number of rioters was killed, the trouble was nipped in the bud. After prolonged discussion the following decisions were reached at the meeting :—

(1) "In view of the deterioration of the situation in Lahore and a general flare-up in the city, in the first instance the police should take very strong action using any amount of force that may be necessary to quell disturbances. Police patrols will be supported by military contingents under their own Commanders".

(2) "If the police cannot cope with any particular sector, the senior police officer present should hand over charge of the situation in that sector to the army Commander accompanying him".

(3) "If the above measures fail to restore law and order and the police cannot keep the general situation under control with this partial aid by the military, the military will be asked to take over charge of the city".

(4) "All steps should be taken to keep the morale of the Police Force high. They should be told that suitable awards will be given for gallantry and distinguished and conscientious discharge of duty. They should also be informed that in case of casualty while on duty, adequate compensation will be given to the next-of-kin. In the case of the late Sayyad Firdaus Shah, Government will award two squares of land in a colony district to his heirs".

(5) "Efforts should be made, as far as possible, to isolate the students from the rioters".

(6) "The public-spirited citizens representing all political parties will be addressed by His Excellency the Governor today and exhorted to use their influence to restore sanity in the city".

The Chief Secretary was asked to draft a statement for issue over the signatures of the prominent citizens summoned to the afternoon meeting, but as he was called to the Secretariat where clerks had gone on strike, the statement was drafted by the Home Secretary. The draft prepared by the Homo Secretary was considered by the Governor to be too condemnatory of the demands to have any chance of acceptance by the representatives of the public. On return from the Secretariat the Chief Secretary also attempted a draft but then the idea was given up.

At the afternoon meeting the Inspector-General of Police as desired by the Governor and the Chief Minister gave a detailed account of the situation. He was followed by two more speakers, namely, Maulana Abul Ala Maudoodi and Mr. Ahmad Saeed Kirmani, M. L. A. The Maulana described the situation as a civil war between the public and the Government and asserted that unless the Government expressed its willingness to consider the demands of the people, he would not subscribe to any appeal. Mr. Kirmani said that the movement was being led largely by hooligans and other irresponsible persons and that the intelligentsia were not with it. After Mr. Kirmani had finished his speech, the Chief Secretary, the Home Secretary, and the Inspector-General of Police were requested to go out. The meeting, however, continued and Maulana Abul Ala Maudoodi busied himself in the preparation of a draft appeal, but the production was not approved by the Governor and the Chief Minister.

Another meeting was held at the Government House in the evening which was attended by the Ministers, the General Officer-Commanding and Brigadiers Haq Nawaz and F. R Kallu, the Chief Secretary, the Home Secretary, the Inspector-General of Police, the Deputy Inspector-General of Police and Malik Habib Ullah, Superintendent of Police, C. I. D. The situation was reviewed and it was decided that since the last incident of lawlessness had taken place at 2-30 p. m., namely, an attack on a police party and the burning of a police vehicle, firing should be avoided as much as possible. The Governor desired that cases of ordinary violations of the curfew should not be taken notice of, and one of the officers or the Governor himself also proposed a ‘let-up’ in the firing. The decision to relax firing created considerable confusion among the police officers who were engaged in controlling the situation. According to the orders of the morning, the police was to take strong measures, and police patrols under the command of Mr. S. N. Alam and Malik Habib Ullah had been sent out with these instructions. When the orders of the evening were conveyed to the Kotwali control and were in turn communicated to the officers engaged in active operations, they were completely bewildered and could not decide what to do. The scattered Police Force was left in utter confusion and firing was resorted to during the night only on one occasion, i. e. at a crowd of Railway employees who had struck work and were engaged in damaging a signal and a train.

There are two events of 5th March, which have been the subject matter of some dispute and argument before us. The first of these relates to the firing in Gowalmandi at about midday, in which several persons including Abdul Aziz, Mudi, Nizam Din and Muhammad Habib are said to have been killed. The allegation by the Ahrar and the Majlis-i-Amal is that these men were killed by Malik Khan Bahadur Khan, Superintendent of Police., Punjab Constabulary, and A. S. I. Abdul Karim who was attached in those days to Police Station Gowalmandi. Abdul Aziz and Mudi are said to have been shot by Abdul Karim with rifle bullets and Nizam Din and Muhammad Habib with the same bullet fired by Malik Khan Bahadur Khan. The witnesses who have been called to prove this allegation are Hidayat Ullah No. 45, Husain Bakhsh No. 46, Ghulam Ahmad No. 48, Chiragh Din No. 49, Abdur Rauf No. 50, Master Abdul Majid .No. 51, Hakim Muhammad Jamil No. 53, Mehr Din No. 54, Siraj Din No. 55, Muhammad Hanif No. 56, Ghulam Husain No. 57, Taj Din No. 58, Ala-ud-Din No. 59, Sardar Muhammad

No. 60 and Maqbul Ahmad No. 61. The incident was the subject matter of separate inquiries by Mr. Ata Muhammad Khan Noon, D. I. G., Mr. Abdul Haye, Magistrate, and a military officer. Nothing was proved in these inquiries against either of the two officers who in the evidence before us have been accused of shooting innocent men in cold blood. This firing seems to be traceable to an earlier incident which was reported in F. I. R. No. 70 of Police Station Gowalmandi. According to that report, information was received that several hundred men were setting fire to a house in Gowalmandi, which, was occupied by A. S. I. Abdul Karim who on that very day had done some firing near the Mayo Hospital. On receiving this information A. S. I. Faiz Ahmad, A. S. I. Sultan Ahmad and Head Constable Abdul Qadir with a party of police rushed to the spot. They attempted to disperse the mob but were fired at from the roof of a house and Head Constable Abdul Qadir was hit. One of the constables was beaten with a stick.

The incident in dispute very probably occurred a little later after this, and it is quite possible that the police fired vindictively to avenge the injuries caused to Head Constable Abdul Qadir and a foot constable. A. S. I. Abdul Karim totally denies having been present at this firing. He says that on that day he fired only three rounds from his revolver, one near Ganda Engine, the other near Chowk Amir Ali, and the third near his own house but killed nobody. He, however, admits that on that day there was some other firing in Gowalmandi under the order of Malik Khan Bahadur Khan, Superintendent of Police, Punjab Constabulary, which had nothing to do with the incident in dispute. We refrain from giving any finding about this incident because by our terms of reference we are required to report only on the adequacy or otherwise of the measures, and excessive firing is not within the scope of these terms unless such firing contributed to or accentuated the disturbances.

The other issue in dispute in regard to the events of 5th March is the meeting of the Cabinet alleged to have been held in the Government House at 6-30 p.m. which is said to have been presided over by the Governor and attended by Major-General Muhammad Azam Khan, G.O.C., Brigadiers Haq Nawaz and Kallu, the Chief Secretary, the Home Secretary, the Inspector-General of Police and Malik Habib Ullah, A.D.I.G., C.I.D. One of the decisions taken in this meeting is stated to have been that there should be relaxation in the firing. The Governor and the G.O.C. both deny that there was any such meeting but the Chief Minister, the Home Secretary, the Inspector-General of Police and Malik Habib Ullah are definite that such meeting did take place. The proceedings of the meeting were scribbled by Malik Habib Ullah on a piece of paper, Ex. D. E. 231 which he handed over sometime after the meeting to the Home Secretary who produced it in Court with his written statement. This document contains in itself inherent evidence of its being genuine inasmuch as its contents appear to have been written in a hurry and some of the sentences in it are obviously incomplete. It gives the time of the meeting as 6-30 p.m. and mentions the names of the persons present and the decisions taken which are five in number, one of which is: “H. E. said that in case of ordinary technical violations of curfew no action should be taken”. Neither the words “relaxation in firing” nor the word “let-up” appears in the document. It is quite possible that neither Mr. Chundrigar nor Major-General Muhammad Azam Khan can now distinctly recall what transpired in the hustle-bustle which must have then prevailed. It may equally well be that what the officers have described as a formal meeting was no more than consultation and discussion in the course of which those present expressed certain views which were generally agreed to, and Malik Habib Ullah considered them as decisions taken in a formal meeting. The point is not of much importance because Mr. Chundrigar himself admits that the suggestion not to take action in cases of technical violations of the curfew was made in the course of discussions on that day. But what is of importance is that some alterations in the decisions of the morning was suggested and accepted and this alteration was taken by the police, though we cannot say how, as a direction not to use force to the extent they were doing to suppress disorder in accordance with the decisions of the morning. The fact that after this meeting there was no firing at all by the police anywhere except near the Ikmoria Bridge, shows almost conclusively that the police must have been directed to relax the firing.

6th March—6th March was a Friday and since early morning processions from all sides began to pour into the Wazir Khan Mosque. Government offices suspended work, Loco and Carriage Shops closed down, and labour came out in full strength in sympathy with the movement. The Kotwali was besieged by angry crowds who were throwing stones at the building and demanding that senior police officers who had resorted to firing should be handed over to them. As the latest orders were that firing was to be avoided as far as possible, tear-gas shells were fired from the roof of the Kotwali to keep off the mob, but as soon as the tear gas blew over, the crowds closed in again. While the Inspector-General of Police was on his way to the Kotwali, his car was stopped near the Railway Station by a mob which was stopping all persons in cars or tongas or on bicycles. Near Police Station Naulakha he saw an uncordoned tank with some troops and people walking all round it. Near the underbridge on the Circular Road, he was again stopped by another mob headed by a bearded man. but managed to go on. Another mob he saw was chasing a horse-cart with *lathis*. The cart was overtaken and the horse unyoked. On coming near the Kotwali he heard the crowd shouting 'Shahi Police *zindabad*', 'Pakistan Army *zindabad*', 'Police Constabulary and Border Police *murdabad*'. At the Kotwali he met the Senior Superintendent of Police, Mirza Naeem-ud-Din, and both talked things over and exchanged views. There is a serious discrepancy between Mr. Anwar Ali, the Inspector-General of Police, and Mirza Naeem-ud-Din, the Senior Superintendent of Police, as to what the latter said in the course of their conversation. Mr. Anwar Ali's evidence on the point is as follows :—

> "He (Mirza Naeem-ud-Din) said that the people were somehow under the impression that Government was in the wrong and that it was not only unsympathetic but actively hostile. In this context the use of force was exasperating feelings further and increasing the chagrin. He said that so far the Government had not defined its attitude on the demands ; nor was there any indication that the Government had any intention of deliberating over them. This according to Naeem-ud-Din was making the situation more difficult. He wanted to be put up before the Chief Minister and to

> suggest that mere represession was not likely to bring the situation under control. He wanted the Punjab Government to assure the public that it was not as unsympathetic and. callous as was being made out and to add that it was doing all it could to expedite a decision on the demands. He felt that such an appeal would mitigate the bitterness and hostility against the Government which was distinctly mounting. * * * *
> (On reaching the Government House) I put the S.S.P. before the C. M. and he repeated what he had told me."

Mirza Naeem-ud-Din's version of the talk, however, is as follows :—

> "I arrived at Kotwali at about 7 a.m. and was followed by the Inspector-General of Police after about half an hour. I discussed the situation with the Inspector-General and told him that the situation was desperate and the weak-kneed policy of the Government was demoralising even the Police Force which was the only part of the Government machinery standing by it. I, therefore, urged him to explain this to His Excellency and the Hon'ble the Chief Minister. I told him that if Government did not revise its policy I would resign. The Inspector-General agreed with me and we both went to Government House."

On a comparison of the two statements it will be apparent that while, according to Mr. Anwar Ali, Mirza Naeem-ud-Din was against the use of force and would have the Government define its attitude on the demands and to declare that it was not unsympathetic and callous to the feelings of the people and was doing all it could to expedite a decision on the issue, according to Mirza Naeem-ud-Din himself what he said was that Government was following a weak-kneed policy which was demoralising the police and that if that policy were not changed he would prefer to resign. Further Mirza Naeem-ud-Din makes no reference to his being called before the Chief Minister at the Government House and to what he said to the Chief Minister. That Mirza Naeem-ud-Din did say some such thing as is mentioned by Mr. Anwar Ali seems to be true because though denied by Mirza Naeem-ud-Din it is confirmed by the evidence of Mr. Chundrigar and Mr. Daultana.

To continue the narrative, the Inspector-General and the Senior Superintendent of Police proceeded from the Kotwali to the Chief Minister's house where they learnt that he had left for the Government House. On the way they found all shops shut and small batches of men intent on mischief moving everywhere. From the Chief Minister's house they both went to the Government House. On reaching the Government House they found all the Ministers, including the Chief Minister, present. There were also present there members of the Lahore Corporation, including some women, e.g., Begum Tasadduq Husain and Begum G. A. Khan, and the Mayor and Nawab Muzaffar Ali Khan Qizilbash. Ata Ullah Jahanian was also there with some student workers.

The Chief Secretary and the Home Secretary had gone in the morning to the Secretariat where they found the officials of the Secretariat collected in the compound and loudly demanding cessation of firing and acceptance of the demands. Mr. Alam, Deputy Inspector General of Police, had also arrived there. All three attempted to talk to the clerks but no one would listen to them, every attempt to argue with them being met with the demand that their viewpoint, namely, that the firing should stop and the popular demands be accepted, be conveyed over the telephone to the Governor and the Chief Minister. It was only when the Chief Secretary gave an undertaking that he would do his best to represent their case to Government and the Home Secretary held out the threat that if they were not permitted to go out, the military and the police would come and take action, that the Secretaries' car, which had been surrounded and held up, was permitted to move. When the Secretaries arrived at the Government House, they found it all in a state of turmoil. The following is a graphic description by the Home Secretary of what was going on there:—

> "A large number of people including the Councillors of Lahore were present there and the usual decorum that prevails in the Governor's House was lacking, H. E. the Governor, the Chief Minister and the Cabinet were assembled in H.E.'s office. I went in and briefly told them what had happened in the Secretariat. Then information started coming in regarding the various incidents that were taking place in the city. The electric current of the Governor's House was cut off and information was received by someone on the telephone from Mr. S. S. Jafri, C. S. P., that some shops in Anarkali were ablaze. The Telegraph Office and the Telephone Exchange were reported to have struck. The Inspector-General of Police and the Senior Superintendent of Police who had come from the Kotwali said that the Kotwali was more or less besieged and that the situation was alarming. The Inspector-General of Police told me that the Senior Superintendent of Police was of the opinion that the city could not be held with the mere use of force and that there should be some public appeasement also and the Government should issue a statement. The Inspector-General of Police added that he had brought this to the notice of H.E./Chief Minister. The Deputy Inspector-General of Police, Lahore Range, also reached the Governor's House a little later."

The situation was fast reaching a climax in the town. The Railway workers had entered the Engine Shed and taken possession of it, not allowing any engine to move out. The Railway track between Lahore and Moghalpura had been cut and a train coming from the Shahdara side stopped on the way. The automatic traffic signal near the Y.M.C.A. building was burnt by a mob which was about to loot the Commercial Buildings. Some more Government buses had been burnt. The Chief Engineer, Electricity, had been served by the workers with a formal notice that unless the Government House, the Ministers and officers residing in the G.O.R. Estate voluntarily cut off electricity, the city would be blacked out. This information from the Chief Engineer was brought to the Government House by a man who demanded that an immediate reply should be given to the notice. Just then the electricity in the Government House was cut and the secrophone ceased to work.

On going into the room of the Governor's Secretary, the Home Secretary found the Governor, the Chief Minister and some Ministers attempting to telephone to Karachi. The Home Secretary talked to those present in the room and suggested that the situation could be brought under control only if the following action was taken :—

(1) that Majlis-i-Ahrar, Pakistan, and Jama'at-i-Islami should be declared unlawful associations;
(2) that the *ulama* and the maulvis who were amenable to reason, and prepared to support Government in the restoration of law and order should be induced to come out and publicly condemn the lawlessness that had spread in the name of *khatm-i-nubuwwat*;
(3) that the Central Cabinet should be requested to send one of the Ministers immediately to Lahore; and
(4) that the city should be made over wholly to the army.

The Home Secretary advised that the Centre should be immediately contacted as the telephone might go out of action at any time. He successfully put through a telephone call to Karachi over the Military Trunk Line, but shortly afterwards it ended abruptly. The Home Secretary and the Inspector-General of Police who had also come into the room, then went out. Shortly afterwards the Chief Minister called in the Home Secretary and asked him to draft in Urdu a statement on the lines indicated to him in English. The Home Secretary replied that he was not well-versed in drafting statements in Urdu and suggested that the job be entrusted to Mr. Zulqarnain Khan, Superintendent of Police. Accordingly the substance of the Chief Minister's instructions was communicated by the Home Secretary to Mr. Zulqarnain Khan in the presence of the Governor and the Chief Minister. The Chief Minister required the draft to be put up immediately as he was talking on the telephone to Karachi. The statement which was originally drafted by Mr. Zulqarnain Khan was as follows:—

> "*Wazir-i-Ala Punjab apni aur apni wazarat ki janib se yeh i'lan karte hain keh un ki hukumat 'Tahaffuz-i-khatm-i-nubuwwat' ke lidran se fauri guft-o-shanid ke liye taiyar hai aur woh awam se darkhast karte hain keh mulk men amn-o-aman qaim karne men woh un ka hath batain. Woh awam ko itmi'nan dilate hain keh police aur fauj koi mutashaddidana karwa'i bilkhasus* firing *nahin karengi ta waqte-keh un ko kisi ke jan-o-mal ki hifazat ke liye aisa karna na pare. Suba'i hukumat markazi hukumat se guft-o-shanid kar rehi hai aur* Mian Mumtaz Muhammad Khan Daultana *ba-haisiyat Sadr Suba* Muslim League, Pakistan *ke Sadr ke samne* Punjab *ke awam ki taraf se yeh mutalibat fauri tawajjah ke liye pesh kar rahe hain*".

When the Chief Minister looked at this statement, he said that it would prove completely ineffective and ordered the following words to be added:

> The words "*apni ta'yid ke sath*" after the words "*Punjab ke awam ki taraf se*" and the words "*kyunkeh yeh qaum ke muttafiqa mutalibat hain*" at the end.

The statement was being cyclostyled when the Chief Minister again desired that the following words should be further added to it:—

> "*Suba'i hukumat ka ek Wazir taiyare ke zari'e in mutalibat aur hamari ta'yid ke sath aj hi* Karachi *bheja ja raha hai aur hamari purzor sifarash hai keh Chaudhri Zafrullah ko wazarat se musta'fi hone par fauran majbur kiya ja'e*".

The Governor and the Chief Minister were both anxious that the statement should be dropped into the mosques from the air before the Juma prayers. The Governor also asked the Home Secretary in the presence of the Chief Minister and the Cabinet to read the statement on the telephone to Khalifa Shuja-ud-Din, who had been named as the fourth dictator of the Majlis-i-Amal in a leaflet issued on that day or a day earlier. The Home Secretary complied with, the order and read over the statement to Khalifa Shuja-ud-Din and also had copies of the statement sent to Khalifa Sahib's house as desired by the Governor. The Governor seemed to be very anxious to satisfy the Khalifa Sahib because he made repeated inquiries whether his orders regarding the furnishing of copies of the statement to Khalifa Sahib had been complied with or not. The Governor also directed the Inspector-General of Police to broadcast the statement from loud-speaker vans in the city. Translations of the statement were immediately flashed to the districts under the orders of the Governor and the Chief Minister.

The day was reminiscent of, and was about to develop into a St. Bartholomew Day when Martial Law was declared at 1-30 p.m. We have already mentioned that an Ahmadi teacher had been killed on the preceding day. On the 6th March, Muhammad Shafi Burmawala, an Ahmadi, was murdered in Moghalpura, and Jamil Ahmad, an Ahmadi college student, was fatally stabbed inside Bhati Gate. Mirza Karim Beg, another Ahmadi or a supposed Ahmadi, was stabbed on the Flemming Road, and his body thrown on a burning pyre made from some furniture. Property of the Ahmadis that was looted or burnt that day included Pak Rays, Shafa Medical, Orsuco, Musa and Sons' shop, the Rajput Cycle Works, the godowns and timberyards of Malik Muhammad Tufail and Malik Barkat Ali, the house of Malik Abdur Rahman on Mason Road, five Ahmadi houses on Mozang and Temple Roads, including that of Sheikh Nur Ahmad, Advocate. The house of Mr. Bashir Ahmad, a leading advocate and Amir-i-Jama'at of the Ahmadiya community in Lahore, was besieged in the afternoon and the mob was about to enter the house when Mr. Bashir Ahmad fired some rounds in self-defence. He was tried for this act by a special Military Court and acquitted. On the night of 6th/7th March the house of Abdul Hakim, proprietor, Pioneer Electric and Battery Station, MeLeod Road, was raided and his old mother murdered.

MR. DAULTANA'S LEAD FOLLOWED BY MOFUSSIL LEAGUES

After the Chief Minister's statement of 6th March several Muslim League organisations in the Province passed resolutions in support of the demands. Thus, on 6th March the Muslim League, Mian Channu, passed a resolution, that a law should be passed to the effect that no person shall use the word *nabi* in respect of himself and that if he did so, he would be guilty of an offence. On 7th March 1953, the City Muslim League, Wazirabad passed two resolutions, one of which enjoined every councillor to offer financial help "to the local Majlis-i-Amal and to lay down his life, if necessary, in support of the *khatm-i-nubuwwat* movement. The resolution further declared that the Muslim League as a body shall not interfere with the programme or activities of Majlis-i-Amal. By the second resolution it was decided to inform the Prime Minister of Pakistan and the Chief Minister of the Punjab by telegram that the demands of the Majlis-i-Amal should be accepted within three days and that failing that members of the City Muslim League would resign *en bloc* and would request M. L. As. from their constituencies to start a, movement to canvass support for a no-confidence motion against Chaudhri Zafrullah Khan. By the same resolution the measures taken by Government forcibly to suppress the religious demands of the Musalmans were strongly disapproved. On the same day the City Muslim League, Jalalpur Jattan, passed a resolution supporting the *khatm-i-nubuwwat* movement without any reservation and the statement made by the Chief Minister on 6th March, and in the light of that statement offered its support to any step taken by him. The resolution stated further that members of the League were waiting for instructions from the high command to take practical steps to achieve their object. The second resolution called upon the Government to accept the demands of the Majlis-i-Amal as early as possible. On 8th March 1953 the Muslim League, Gakhar, passed three resolutions; the first to the effect that in order to maintain the dignity of the League it was necessary for its members to side with the people and to take part in the *khatm-i-nubuwwat* movement; the second expressing the gratitude of the League to Mir Muhammad Bashir, its President who had offered himself for arrest and had appealed to all councillors to do likewise; and the third appointing Hakim Ali contractor as President who would make necessary arrangements to provide volunteers for arrest after the arrest of Mir Muhammad Bashir. The City Muslim League, Kamoke, on 10th March 1953, expressed itself in favour of the demand for the declaration of Ahmadis as a minority and for the removal of Chaudhri Zafrullah Khan.

MR. DAULTANA WITHDRAWS 6TH MARCH STATEMENT

On 10th March 1953, Mr. Daultana made the following announcement:—

> "On the 6th of this month, I appealed on behalf of my Ministry and myself, to the people of the Province to help in the maintenance of law and order.
>
> I assured them that my Government would be prepared to open immediate negotiations with the leaders of the *Tahaffuz-i-khatm-i-nubuwwat* movement, and that my Ministers would place their demands before the Central Government with a recommendation that they should be accepted.
>
> The appeal was made at a time when in Lahore lawless elements were indulging in loot, arson, and dislocation of essential services. The *Tahaffuz-i-khatm-i-nubuwwat* movement was being exploited by disruptive groups inimical to Pakistan in order to subvert authority, to create dissensions among

Muslims and to promote disorder with a view to injuring the safety and stability of Pakistan.

The object of my appeal was to ensure that the people of this Province exert themselves in the maintenance of law and order so that the enemies of Pakistan are no longer able, under the cloak of a religious movement, to foment internecine dissension and create lawlessness in order to damage the security of Pakistan. In actual fact, unfortunately, lawlessness has continued in spite of my appeal, and in Lahore Martial Law had to be introduced in order to bring the situation under control.

Under the present circumstances, there can be no question of any negotiations with, or of consideration of the demands of the leaders of the *Tahaffuz-i-khatm-i-nubuwwat* movement. It is the foremost duty of any Government to ensure that law is obeyed and the lives and property of its citizens are fully protected.

Both the Central and Provincial Governments are resolved to suppress lawlessness wherever it should occur and to maintain law and order in the Province. The Government must suppress the present threat to the safety and integrity of the country by every means at their disposal.

I appeal to the people of this Province to co-operate with the Government in restoring law and order wherever it should be threatend and in ensuring that the enemies of Pakistan are not able to exploit the *khatm-i-nubuwwat* question in order to injure the integrity or safety of the country".

The statement was endorsed by the Working Committee of the Punjab Muslim League which in its meeting held on 11th March 1953, declared that the Committee whole-heartedly supported the appeal made to the patriotic people of the Punjab and further directed every worker of the Muslim League in the Punjab to follow faithfully the directions contained in that statement.

SIALKOT

The official account of the course of events at Sialkot is contained in the written statements of Mr. I. U. Khan, Commissioner, Mr. S. N. Alam, Deputy Inspector-General of Police, Mr. Ghulam Sarwar Khan, Deputy Commissioner, and Sayyad Abdur Rauf, Superintendent of Police, and the deposition of Lt.-Col. Khushi Muhammad. We held some sittings at Sialkot and recorded a good deal of non-official evidence after Mr. Ghulam Sarwar Khan, the Deputy Commissioner, against whom there were some complaints by the public, had been transferred.

Since Mr. Mazhar Ali Azhar led a batch of Ahrar volunteers into Jammu in connection with the Kashmir agitation in 1931, Sialkot has always been a directive centre of the Ahrar. It has also been an important Ahmadi centre, being next only to Qadian. The first important incident in the Ahrar-Ahmadiya controversy occurred here when one Ghulam Muhammad Shah made a violent public speech against the Ahmadis for which he was convicted under section 295-A, I. P. C., on 30th November, 1936. The controversy continued in one form or the other till 1949, but no major incident took place during these years. On 26th November, 1949, a Tabligh Conference was convened by the Ahrar with a view to criticising the attitude of the Ahmadis before the Boundary Commission. In reply the Ahmadis held a meeting of their own on 15th January, 1950, to explain their position. While this meeting was in progress, the Ahrar raised a row and a boy was stabbed. The District Magistrate promulgated an order under section 144 of the Code of Criminal Procedure, prohibiting meetings for a week. In November 1951 the Ahmadis intended to hold their usual annual session, but in view of the prevailing feeling they were persuaded by the District authorities to put it off. The session was actually held in November 1952 in the Ahmadis' own *jalsagah*, but the Ahrar threw brickbats on the audience.

By February, 1952, the Ahrar had succeeded in Consolidating popular opinion against the Ahmadis. The agitation against the Ahmadis now took the form of *Tahaffuz-i-khatm-i-nubuwwat* and the All Muslim Parties Convention was held in this town on 21st July, 1952. After this convention the *Tahaffuz-i-khatm-i-nubuwwat* movement became more popular and began to attract religious preachers from all sects. The movement daily gained strength and every Friday sermon in mosques became a diatribe against the Ahmadis, and the three demands began to be vigorously pressed. On 20th July, 1952, the Chief Minister made a speech on the occasion of the District Muslim League Convention at Pasrur in which he declared that he "fully endorsed the *khatm-i-nubuwwat* movement provided the law and order was not threatened". In October, 1952, Maulvi Bashir Ahmad Khatib Jami' Masjid, Pasrur, Karamat Ali Shah and Manzur Ahmad made provocative speeches against the Ahmadis on the occasion of Urs Gullu Shah. Action against them was recommended by the District Magistrate under section 21 of the Punjab Public Safety Act but Government did not agree. In November, 1952, another All Muslim Parties Conference was held in which the three demands were reiterated with added vigour. The Provincial Government had now realised the extent and intensity of the Ahrar-Ahmadiya controversy, and issued a series of general directions in the matter to District Magistrates. The purport of these instructions was that for actionable speeches only prosecutions should be launched and that arrests should not be made in mosques, nor assemblies in the mosques dispersed. Another direction confined action only to Ahrar and Ahmadis. The result, therefore, was that non-Ahrar *maulvis* felt themselves free to carry on anti-Ahmadi propaganda from the pulpit of every mosque.

An Action Committee was formed in this district on the advice of the Punjab Majlis-i-Amal. This Committee began to enlist *razakars* and collect funds. An intensive propaganda was carried on by Sahibzada Faiz-ul-Hasan who addressed a series of meetings in the district. On 20th February, 1953, several thousand men gathered for Juma prayers in the Jinnah Park, and were addressed by Maulvi Muhammad Ali Kandhalvi, Professor Khalid Mahmud, Maulvi Muhammad Yaqub and Maulvi Fazal Haq. Pamphlets and booklets against Ahmadi tenets were sold and thousands of rupees collected by the sale of eight-anna tickets.

In accordance with the decisions taken in Karachi on the morning of 27th February, 1953, the Home Secretary sent a wireless message to the District Magistrate directing the arrest of Qazi Manzur Ahmad and Wali Muhammad Jarnail. On 1st March, 1953, the city observed a complete *hartal* and a mob of about 10,000 people assembled at the railway station to see off the first batch of volunteers leaving for Karachi under the leadership of Maulvi Muhammad Yusuf, to offer their services for direct action. The mob had paraded in the streets, shouting anti-Ahmadi slogans and abusing Government, particularly the Prime Minister. The mob was so unruly that it delayed the train and also damaged windows of some carriages. Some of the men boarded the train with the volunteers and alighted at Narowal. On their return journey they stopped trains, looted station vendors and damaged sugarcane crops along the railway line.

On 2nd March 1953, the District Magistrate received secret D. O. letter No. 2514-29-BDSB, dated 28th February, 1953, conveying the decision of Government that the agitation was to be dealt with firmly. He called a Police-Magistrate meeting and decided:—

(1) to arrest nine ringleaders of the agitation under section 3 of the Punjab Public Safety Act on. the night of 2nd/3rd March (Approval of the Home Secretary to this step was obtained over the telephone);

(2) that persons who offered themselves for arrest should be taken in custody, removed to some far off place and dropped there; and

(3) that the military should be requested to stand by.

On the evening of 2nd March, 1953, a very large meeting was held in Ram Tulai, which was addressed by Maulvi Sultan Mahmud, Professor Khalid Mahmud, Maulvi Habib Ahmad and Maulvi Muhammad Yaqub. The tone of the speeches delivered was plainly anti-Government, and Professor Khalid Mahmud warned Khwaja Nazim-ud-Din that he would meet the same fate as Mr. Liaquat Ali Khan,. It was announced that two batches of volunteers would be sent to Karachi on the following day.

Maulvi Muhammad Husain, Maulvi Muhammad Ali Kandhalvi, Muhammad Sadiq son of Bhola, Maulvi Habib Ahmad, Abdul Ghafur Butt and Bashir Ahmad son of Chiragh Din, were arrested on the night of 2nd/3rd March. On the morning of 3rd March, 1953, small crowds appeared in the streets, though the military and the police were patrolling. The crowds had a defiant attitude, but they were dispersed, some by the army and some by the police under the orders of the Additional District Magistrate. When the District Magistrate and the Superintendent of Police reached Dar-ush-Shahabia at about 10-15 a.m. they saw a huge crowd collected inside the building and on. the roofs of the surrounding houses, all shouting anti-Government slogans, When asked to disperse, they closed the door of the Shahabia from inside. On this the District Magistrate declared the assembly as unlawful and directed Mr. Khalil-ur-Rahman, Assistant Superintendent of Police, and Khwaja Iqbal Ahmad, Magistrate, to disperse them. Mr. Khalil-ur-Rahman, when he entered the building, discovered that his service revolver bad been removed by someone from the holster. However, he and Khwaja Iqbal Ahmad succeeded in arresting four persons who wore garlands, one of them being Maulvi Muhammad Yaqub who could not be arrested on the night of 2nd/3rd March. After the arrests the crowd again climbed on the roofs of the Dar-ush-Shahabia and the adjoining buildings and began throwing brickbats from behind the parapets, driving the police behind some vehicles that were parked on the road in front of Dar-ush-Shahabia. The shower of brickbats resulted in injuries to the District Magistrate, the Superintendent of Police and the Assistant Superintendent of Police. One Sub-Inspector was stabbed. After a warning was given but not heeded, the District Magistrate ordered the police to open fire. The crowd, however, continued to throw brickbats from behind the parapets.

At this stage another crowd suddenly appeared on the road from behind the Dar-ush-Shahabia and rushed on the police showering brickbats. They were ordered to disperse, but since they continued throwing bricks, the police was ordered to open fire. The crowd then receded and one man was found dead, the number of rounds fired being twenty-one. The dead body was picked up by the police, but the swelling mob overflowed the police and snatched away the dead body and Maulvi Muhammad Yaqub from custody. The situation went completely out of control and was, therefore, handed over to the military under the command of Lt.-Col. Khushi Muhammad of the 8th Punjab Regiment. The mob besieged the civil officers who were driven into a blind lane from where they managed to get on the roof of a house in the lane where shortly afterwards was brought Ghulam Hasan, A. S. I. who had been stabbed in the stomach and deprived of his revolver. In the meantime the mob set fire to two police vehicles and the jeep of the District Magistrate. The Municipal Fire Brigade was requisitioned, but this was also burnt. At this stage information was received that the mob was going to burn the District Courts Building, the Police Office and other public buildings. The District Magistrate and the Superintendent of Police managed to get out and take a guard with them from the Police Lines to protect the public buildings, including the State Bank building.

While the Dar-ush-Shahabia incident was in progress, another crowd was encountered by the City Inspector and the City Magistrate near Chowk Sant Singh in Rangpura, which was heading for Dar-ush-Shahabia. The mob was stopped but it became violent and caused injuries to the City Magistrate, the City Inspector, A. S. I. Sana Ullah and a head constable. The military, however, came to their assistance and saved them from further harm.

By midday the crowd had assumed immense proportions and started attacking police constables on traffic duty. It then formed itself into a procession and went on parading the dead body of the man who had been killed at Dar-ush-Shahabia. It went to the City Muslim League office where the library was looted. Khwaja Muhammad Safdar, M.L.A., President of the City Muslim League, was brought out of his office and taken through the streets with a blackened face. He was, however, rescued by Col. Khushi Muhammad. The procession then marched to Jinnah Park where about 50,000 persons offered funeral prayers for the dead man under the leadership of Maulvi Muhammad Yaqub. Of course the Maulvi delivered a suitable funeral oration.

The Commissioner, having been informed of the situation by telephone, arrived the same evening. The District Magistrate had imposed a 24-hour curfew from 1 p. m. on 3rd to 1 p.m. on 4th, but since owing to shortage of police and military force it could not be enforced, the Commissioner modified it by changing the hours from 10 p. m. to 4-30 a.m. The same evening one Abdul Haye Qureshi, who was a non-Ahmadi bat had dissuaded the mob from indulging in violence, was beaten and his house ransacked.

Public meetings and processions were banned on the 4th March by an order under section 144 of the Code of Criminal Procedure. On this day the Direct Action Committee shifted its operations from the Dar-ush-Shahabia to the mosque of Maulvi Nur Husain which is situate near the Tehsil and Police Station Sadr. A large mob which was on its way to that mosque, was intercepted and halted. Under the direction of the Commissioner, the District Magistrate ordered the mob to disperse, but it rushed at the officers. The police was ordered to *lathi*-charge the crowd but this provoked a shower of brickbats from the surrounding houses. Mr. Khalil-ur-Rahman, Assistant Superintendent of Police, sustained a serious head wound and a police van was damaged. The situation was, therefore handed over to the military who opened fire and brought it under control. Shortly afterwards a mob re-assembled in front of the mosque. The military officers argued with them and requested them to disperse, and finding that this had no effect, pulled a tape across the street as a barrier, warning the crowd not to advance beyond it. But somebody snipped the tape and burnt the Army Flag, and some persons flourishing swords and knives began to dance and advance towards the barrier. The military, under the orders of Brigadier A. K. Akbar, opened fire and four persons were killed and ten wounded. There is an amusing episode in the incident just mentioned. Let Lt.-Col. Khushi Muhammad tell it himself:—

> "One of the men, who came out dancing with knives, offered his chest to receive a bullet, but I told him that so long as he remained on the other side of the tape, he would get no bullet ; but that the moment he crossed the tape, he would get one. When the firing began, I did not see this man at all. He had disappeared in the crowd. After the first firing a *maulvi* came up and started abusing the army and the police describing them as *kafirs*. I told the bugler to blow the bugle. As soon as he heard the bugle, ho rushed back, jumping over the crowd."

In the afternoon an A. S. I. and a constable were mobbed near the railway station and the revolver of the A. S. I. and the rifle of the constable snatched and their uniforms burnt. Another foot constable, who was carrying some case-property, was assaulted and relieved of the property. Two Ahmadis were stabbed and the houses of three others looted by the mob.

Mr. S. N. Alam, Deputy Inspector-General of Police, arrived in the evening and found that the District Magistrate had handed over the situation to the military. He thought that such handing over was not justified and in consultation with the Commissioner decided to take over from the military. He addressed the police who had become demoralised by the incidents of the 3rd and 4th March and made arrangements for patrolling the city. The military shifted their Brigade Headquarters to the City Kotwali.

On the 5th March the army held a flag march throughout the city and did intensive patrolling. Some processions were dispersed and volunteers arrested.

On 6th March Mr. Daultana's appeal was broadcast over the radio and also conveyed by a wireless message. This created the impression that the Government had capitulated and put the District officers in an unenviable position. The banned processions and public meetings continued and a large number of persons were arrested daily. Ninety-eight volunteers were arrested on 7th, 121 on 8th and 149 on 9th., showing that the appeal of the Chief Minister had no effect on the public.

On the 7th March, Professor Khalid Mahmud and Fazal Haq made speeches calling upon the police and the army to lay down arms and exhorting public servants to strike their work and join the movement.

The agitation drifted on to 10th March when a wireless message from the Chief Secretary, directing the District authorities to put down all lawlessness with firmness, was received. This made the people realise that thereafter the District officers would not put up with any lawlessness. Section 144 orders, therefore, began to be obeyed. Professor Khalid Mahmud, Fazal Haq, Maulvi Sultan Mahmud and others had shifted to mosques from where they were directing the movement by issuing orders and instructions through loud speaker and secret messages. It was not considered expedient to arrest them in the mosques and proceedings under section 87 and 88 of the Code of Criminal Procedure were taken against them. This produced the desired effect and they came out of the mosques and offered themselves for arrest on 12th March. With their arrest the agitation practically ended, and the city was restored to completely normal conditions on 16th March.

The foregoing narrative has been taken from the written statements and evidence of officers. No contradiction of it is to be found in the evidence of non-official witnesses which we recorded at Sialkot. What has been stressed in that evidence is that the District Magistrate beat or caused to be beaten some persons who had been arrested and confined in, jail, that he himself had his jeep set on fire by a police constable, and that he himself encouraged the procession that marched to the railway station on the 1st of March. With the first allegation we are not concerned though there is considerable evidence in support of it; the second is an insult to anyone's common sense; while the third is denied by Maulvi Muhammad Ali Kandhalvi himself. It is our considered finding that in handing over the situation to the military more than once, the District Magistrate acted wisely and courageously and thus saved the law and the power behind it from public humiliation and ridicule. The responsibility for the consequent bloodshed, if it does not lie on the men concerned, does not lie on the police or the military; it lies elsewhere.

GUJRANWALA

Because of its proximity to Sialkot and of its being the home town of Sahibzada Faiz-ul-Hasan, an Ahrar popular speaker, Gujranwala is an important centre of the Ahrar.

The Ahrar held their Tabligh Conference here early in 1949, but the Conference was not much of a success as the sincerity of the Ahrar to the new-State of Pakistan was still under serious suspicion. They held another Conference in 1951 in the garb of Defence (*difa*') Conference. This proved a great success because arrangements for this Conference were made by the President of the City Muslim League. Sayyad Ata Ullah Shah Bukhari spoke at this Conference and is reported to have given expression to his belief that it was an act of piety to kill the Ahmadis and to burn their property. A third conference was held in the same year in which the Ahmadis were described as *kafirs* and their social and economic boycott was advocated.

On 20th June, 1952, which was *Yaum-i-Mutalibat*, the Ahrar held a public mooting inside Sheranwala Bagh Mosque in contravention of an order under section 144. This meeting was addressed by Sahibzada Faiz-ul-Hasan, Sheikh Husam-ud-Din and Master Taj-ud-Din, who were all arrested but subsequently released under the orders of the Chief Minister. At another conference in July 1952, Sahibzada Faiz-ul-Hasan is said to have declared that to kill an Ahmadi was to gain the pleasure of God. After the conference was over a tea party was arranged in honour of Maulana Akhtar Ali Khan, which was attended by the Deputy Commissioner and the Muslim League leaders. The Ahmadis subsequently complained to the Deputy Commissioner that at the conference a speaker had incited the audience to murder the head of the Ahmadiyya community. The feeling created against the Ahmadis resulted in the Wazirabad Municipal Committee's terminating the services of two male and four female Ahmadi teachers. Sahibzada Faiz-ul-Hasan, Maulvi Abdul Wahid, Khatib of the Sheranwala Bagh Mosque, and Maulvi Muhammad Ismail took prominent part in the agitation against the Ahmadis and in canvassing the support of other religious and political parties. A public meeting under the auspices of the Majlis-i-Amal was held at Gujranwala on 2nd and 3rd November, 1952, which was also attended by Mian Tufail Muhammad, a representative of Jama'at-i-Islami. The Majlis advocated social and economic boycott of the Ahmadis, and after this eating houses began to display notices on their premises to the effect that Ahmadis could have their food in separate utensils at those houses. One Abdul Ghaffar Asar, B.A., who earlier had succeeded in his drive against the prostitutes, also joined the movement to widen his sphere of influence. Maulana Akhtar Ali Khan of the 'Daily Zamindar' addressed three public meetings in which he collected Rs. 2,000 for the movement. At another meeting held in his home town Karamabad, he made an appeal for contribution of a sum of one crore of rupees to the same cause. After the ultimatum was presented to the Prime Minister in Karachi, intensive preparations commenced for the direct action and *maulvis* intensified their propaganda in different towns of the district-Comrade Abdul Karim and Maulvi Abdul Ghafur Hazarvi at Wazirabad, Maulvi Abul Hasan Muhammad Yahya and Maulvi Fazal Ahmad at Hafizabad, Latif Ahmad Chishti and Hafiz Abdush-shakur at Kamoke and Maulvi Abdul Wahid and Maulvi Muhammad Ismail at Gujranwala. Volunteers began to be enrolled and the quota for Hafizabad, which, was fixed at 500, was completed within a week of the formation of the Majlis-i-Amal. Total enrolment for the district was 4,500 and Mr. Manzur Hasan, the Secretary of the City Muslim League was one of the signatories to the volunteers' pledge.

Agitation commenced with the arrest of Maulvi Muhammad Ismail, Khatib of the Ahl-i-Hadith Mosque, under the orders of the Provincial Government; Processions of volunteers before their departure for Lahore and public meetings became a daily feature. The Majlis-i-Amal was dissolved and Hakim Abdur Rahman, Vice-President of the Majlis-i-Ahrar, Gujranwala, was appointed a dictator of the movement.

On 2nd March D. O. letter No. 2514-29/B. D. S. B., dated 28th February 1953, from the Chief Secretary was received by the District Magistrate, prohibiting further arrests, but on 1st March 1953 the Superintendent of Police had received instructions from the A. D. I. G., C. I. D., to prevent batches of volunteers from proceeding to Lahore and Karachi, which meant arresting them at Gujranwala. The two instructions were contradictory to each other, and since owing to shortage of Magistrates and police force and accommodation in jail the district officers were not in favour of making any arrests and intended to watch the situation for another day or so, a reference was made to the superior police officers at Lahore as to what to do in the circumstances and the reply received was that the earlier instructions to arrest volunteers had to be carried out and that if there was not sufficient accommodation in jail, the persons arrested could be dumped in distant villages.

At 10 o'clock on 2nd March a meeting was held in the Court Room of the Deputy Commissioner, which was attended by officials and non-officials. The office-bearers of the City Muslim League, however, made this meeting an occasion to denounce their opponents in the League and refused their active co-operation to the district authorities. The trains to Lahore began at this stage to be interrupted by the crowds which collected at the railway station to see off the volunteers entraining for Lahore. The Additional District Magistrate with a police party went to the railway station and arrested and detrained a batch of 50 volunteers. On this the crowd became excited and held up the train twice. When the Additional District Magistrate made a second attempt to get the train steamed off, he was attacked and injured together with five policemen including a Sub-Inspector. The same evening the Sind Express was held up at some distance from the railway station by an excited mob of 5,000. The Superintendent of Police reached the scene with six foot constables, but the party was pelted with stones and brickbats. It had grown dark and as the mob, if not dispersed, would have resorted to violence and annoyed the passengers in the train, the Superintendent of Police ordered three foot constables to fire twelve rounds in the air. This dispersed the crowd without causing any casualties. After this a meeting of respectables of the town was called at the railway station but though every one condemned hooliganism, none was prepared to give any practical help lest he should be termed a *kafir* or Mirzai.

As the Muslim League office-bearers had pledged their support to the Majlis-i-Amal, the dictator of the Majlis-i-Amal called upon Mr. Manzur Hasan, M. L. A., Secretary of the City Muslim League, to lead a batch and to court arrest. Sheikh Aftab Ahmad, the President of the League, suggested that in order to avoid the impression that the movement had the support of the League, a mock arrest of Mr. Manzur Hasan should be staged. This was agreed to, and Mr. Manzur Hasan was arrested, taken in a police jeep and dropped in a remote corner of the district on the understanding that he would not return to Gujranwala for some days. People, however, came to know of the stratagem and on the following day some 200 men went to the house of Sheikh Aftab Ahmad and asked him to join a procession. He was taken out of the house and was made to march with a procession to the Sheranwala Bagh Mosque. By this time Mr. Manzur Hasan had returned to Gujranwala and joined the agitators in the Sheranwala Bagh Mosque, where he made several speeches against the Ahmadis and the Government and led a procession with seven other City Muslim League councillors. They were all arrested.

The statement of the Chief Minister on 6th March was, as directed from Lahore, proclaimed throughout the town. According to information received by the Superintendent of Police, on 7th March attacks were apprehended on the lives and properties of Ahmadis. The situation was discussed with the army who suggested promulgation of an order under section 144 prohibiting public meetings and processions, but the proposal was not accepted by the Superintendent of Police and the Deputy Commissioner, and instead it was decided to arrange joint police and military patrols. After this no incident of lawlessness was reported in the town, except an attempt to loot an Ahmadi’s shop.

On 7th March a frenzied mob of agitators in village Nandpur murdered one Muhammad Husain in the belief that he was an Ahmadi. The investigation showed that this murder was brought about by a trick by one of the enemies of the deceased.

On 8th March the local M. L. As, were called to the Sheranwala Bagh Mosque and requested to go to Lahore for instructions. The M. L. As, met the Chief Minister but brought no definite instructions.

A company of the Army arrived at Gujranwala on 5th March, a battalion on the 6th and the Deputy Inspector-General of Police with two Punjab Constabulary Reserves on the 8th.

When the military arrived, it was welcomed with shouts of ‘Pakistani *fauj jis ne* Sialkot *goli chalane se inkar kar diya zindabad*, Pakistani *fauj zindabad*’. It was being announced by the agitators throughout that they were engaged in *jihad*, a crusade against infidelity, and posters appealing to the police and the military not to fire but to join in the *jihad* were put up in several places.

About a dozen Ahmadis in the district were made to renounce their creed.

The Muslim League in this district was actively associated with the movement. The Muslim League, Gujranwala City, passed a resolution supporting the *khatm-i-nubuwwat* movement, and Mr. Manzur Hasan, its Secretary, sent the same resolution to be moved at the meeting of the Provincial Muslim League Council at Lahore. He also attempted to table a similar resolution at the Dacca session of the All Pakistan Muslim League.

A deputation of Ahmadis waited on the Superintendent of Police on 20th March but he expressed his inability to do anything for them as on the previous day he had asked for instructions from the Chief Minister who had refused to give any because the Centre had not taken any decision in the matter.

With the arrival of reinforcements a round-up of goondas and search for illicit arms commenced. Maulvi Abdul Wahid, who was at the back of the agitation, and Hakim Abdur Rahman, the dictator, were arrested on 11th and 12th March respectively. Some other *maulvis* then came forward and they were also arrested. Eventually it was decided to raid the Sheranwala Bagh Mosque with the assistance of the military. This was done and the mosque was cleared of the agitators and a sum of Rs. 10,100 recovered from Qari Abdul Karim. This amount is said to have been collected by Sheikh Aftab Ahmad, Mirza Sharif Beg, Muhammad Din. M. A. Aziz Ansari and some councillors of the Gujranwala Muslim League.

Orders for the arrest of Safdar Ali and Naseer Din *alias* Naseeria, two notorious leaders of goondas, were issued by the District Magistrate. The former managed to slip out, of the district and was subsequently arrested at Jhang. Naseeria evaded arrest for some time but was eventually traced and arrested.

Other centres of agitation in the district were :—

(1) *Kamoke*—Demonstrations and processions against the Ahmadis and the Government were organised here by Latif Ahmad Chishti and Hafiz Abdush-shakur. The funds seized amounted to Rs. 10,772.

(2) *Wazirabad*—Maulvi Abdul Ghafur Hazarvi and Comrade Abdul Karim were the local organisers of the movement. A train was held up here by placing a log across the track. Funds seized amounted to Rs. 2,560.

(3) *Hafizabad*—Feelings were worked upon here by Abul Hasan Muhammad Yahya and Maulvi Fazal Ilahi.

(4) *Gakhar*—Trains were stopped here. Mir Muhammad Bashir, President of Gakhar Muslim League, courted arrest along with some councillors.

(5) *Naushehra Virkan*—Dr. Muhammad Ashraf, an old Congressite was responsible for the trouble here.

(6) *Sodhra*—Public meetings here were organised by Maulvi Abdul Majid of the Ahl-i-Hadith.

RAWALPINDI

The course of events that preceded the commencement of the disturbances here was precisely the same as in the other towns of the Province. The Ahrar started by denouncing the Ahmadis and their religion. In return the Ahmadis began to rake up the past of the Ahrar to strengthen the suspicion against their sincerity to Pakistan. After the All Parties Muslim Convention the Ahrar succeeded in winning the alliance of other religious sects, preachers and *pirs*, with the result that mosques became propaganda centres of the anti-Ahmadiya movement and Friday sermons were almost exclusively devoted to the deprecation of the Ahmadiya tenets. In November 1952, Sayyad Ata Ullah Shah Bukhari and Qazi Ehsan Ahmad of Shujabad, two top-ranking leaders of the Ahrar, addressed a public meeting at the Liaquat Garden. Thereafter, a vigorous campaign was started for enlistment of volunteers and collection of funds.

With the arrest of the leaders of the movement in Karachi and of Maulana Ghulam Ullah Khan by the Punjab Government on 27th of February, processions and public meetings became the order of the day. The public meeting held in the Liaquat Garden, presided over by the Pir Sahib of Golra Sharif, was perhaps the largest public meeting held in living memory. The situation became critical on 6th March when after exaggerated versions of the events that had happened in Sialkot and Lahore, information came that the Punjab Government had accepted the popular demands and communicated their acceptance to Karachi. The immediate result was that people thought that the Government had surrendered and the processions became more aggressive and more numerous and had to be dispersed by *lathi* charges.

On 6th March, another meeting was held in the Liaquat Garden. A crowd, after dispersing from the meeting, went along the Murree Road and set fire to an Ahmadi mosque and a small car. Later, that very evening, some other incidents of loot and arson took place. The Ahmadiya Commercial College, Nur Art Press and the Pak Restaurant, situate in different parts of the city, were broken into and attempts were made to loot, burn or otherwise destroy the effects. A non-Ahmadi young man, employed in the Nur Art Press, was stabbed in the belief that he was an Ahmadi, and he succumbed to the injuries caused. As the situation became explosive, the military was called in on 7th March. On that day, telephone wires were cut in the jurisdictions of Police Stations Golra and Sangjani, Military were posted at suitable strategic points in the city.

On 8th March, a furious mob led by Masud Malik, a communist student of the Government College. Rawalpindi, and Maulvi Abdul Quddus Poonchi came in front of the Police Kotwali and started throwing brickbats. The City Magistrate ordered the police to fire and one of the rioters was killed and six others injured. After this, orders under section 144 banning processions and meetings and imposing the night curfew were passed. Two hundred and thirty-nine persons were convicted of breach of the curfew. The organisers of the movement then took refuge in the Jami' Mosque from where they went on sending volunteers to court arrest. One thousand and thirty-three volunteers were arrested and prosecuted under section 188 of the Pakistan Penal Code. They were all convicted, with the exception of sixty-four who apologised and were released.

The morale and loyalty of the lower ranks of the police and the army began to be affected because of the character of the agitation, and most of the Muslim League leaders and local M. L. As. went into hiding and refused to come out to face the public. In fact they played a double-role, outwardly siding with the authorities but inwardly supporting the agitation. There was no *maulvi* in the entire district who did not support the agitation. Among the *maulvis* arrested were Arif Ullah Shah, Muhammad Maskeen, Muhammad Ismail Zahidi and Abdul Hannan, all members of the All Parties Muslim Convention.

A large number of men came from the surrounding districts to take part in the agitation. A batch of 2,000 Pathans from the Hazara district was reported to be advancing towards Rawalpindi, but the Superintendent of Police prevailed upon the Pir Sahib of Golra Sharif to issue instructions to them to return. Similarly, Maulvi Muhammad Ishaq Mansehrvi, an old but a popular *maulvi*, also came out to load the movement, but the district authorities succeeded in winning him over and inducing him to issue a written appeal to refrain from lawlessness and disorder.

The agitation died down in the third week of March.

LYALLPUR

This district is an important centre of the Ahrar, many of whom come from the districts of Jullundur, Gurdaspur, Hoshiarpur, Ludhiana and Amritsar which are also the home districts of most of the colonists. Up to January 1953, the Ahrar-Ahmadiya controversy here took the same course as elsewhere. On the occasion of the Prophet's birthday celebrations on 1st December 1952, the Ahrar displayed banners on which were written the demands that the Ahmadis be declared a minority and that Chaudhri Zafrullah Khan be removed from the Cabinet. After this the demands became a regular feature in the pre-prayer or post-prayer speeches. The speeches were directed not only against the Ahmadis but also against the Government. At a public meeting held at Jaranwala these demands were reiterated in speeches made by Maulvi Feroze-ud-Din, Hafiz Abdul Qadeer, Maulvi Inayat Ullah Mujahid, Maulvi Mirdad and Maulvi Abdur Rahim. Similar meetings were held at Lyallpur, Samundri, Toba Tek Singh, Tandlianwala and Gojra. All along *razakars* were being enrolled who took an oath on the Qur'an and signed the pledge for direct action with their blood, Subscription for the movement came in easily. The number of *razakars* reached 9,000 and funds collected amounted to Rs. 30,000.

The movement had the support of many a Muslim Leaguer. In fact many councillors of the League belonged to the Ahrar party and actually influenced the public in favour of the movement.

Ghulam Nabi Janbaz of Lyallpur, Qazi Muhammad Husain of Tandlianwala and Maulvi Obed Ullah of Lyallpur were arrested on 27th February under the direction of the Provincial Government. On 1st March a procession set out from the Jami' Masjid, Lyallpur, for the railway station to see off a batch of 15 *razakars* under the leadership of Maulvi Muhammad Yusuf, Khatib of Jami' Masjid, which was proceeding to Karachi. No arrests were made, because telephonic instructions received by the Superintendent of Police from Lahore were that *razakars* proceeding to Karachi were not to be arrested. On the following day, Sahibzada Iftikhar-ul-Haq made a highly inflammatory speech in front of Railway Station, Lyallpur, where he had been taken in procession by a crowd of about 6,000 people prior to his departure for Lahore with about 100 *razakars*. He was detrained at Salarwala Railway Station and arrested. Public meetings and processions were banned by an order under section 144 of the Code of Criminal Procedure on 3rd March. Despite this, however, on receiving news of the firing in Sialkot a procession of 4,000 to 5,000 moved from the Jami' Masjid to the Deputy Commissioner's house. Before it reached its destination, thirteen persons were arrested and the procession was dispersed. The Agricultural College closed and *razakars* started pouring in from the country. In the evening, the Deputy Commissioner held a meeting of prominent citizens which was also attended by the Presidents of the District Muslim League and the City Muslim League. The attitude of both these gentlemen was anything but co-operative, and the latter even stated that his attitude was determined by his interview with the President of the Provincial Muslim League whom he had seen at Lahore a short while earlier.

On the 4th March there was a complete *hartal* in the town and some 7,000 men collected in the Jami' Masjid where speeches were made by several *maulvis* condemning the firing at Sialkot. After the meeting, three separate processions set out which subsequently got mixed up and swelled to 10,000. They then made for the Deputy Commissioner's house and, reaching there, repeated their demands to him and offered themselves for arrest. The Deputy Commissioner, however, tactfully diverted and himself led the procession towards the jail where leaders of the procession and 124 other persons were arrested. The Superintendent of Police also accompanied the procession.

In response to the Deputy Commissioner's request to the Home Secretary for the military, a battalion of 9/8th Punjab Regiment arrived on the night of 4th/5th.

On 5th March, 50 volunteers were arrested and dropped twenty miles away and 55 members of a procession were arrested under section 188 of the Pakistan Penal Code. The news of firing at Lahore was received at Lyallpur on 6th March. There were several processions formed in protest and about 125 persons were arrested. The Chenab Express was detained near Railway Station, Lyallpur, by volunteers coming from Chak Jhumra. News was also received that Martial Law had been declared in Lahore. In the evening came the announcement of the Chief Minister to the effect that the Punjab Government agreed with the demands of the agitators and that these with the views of the Punjab Government were being communicated to the Centre and a Minister from the Province was going to Karachi to press them before the Cabinet. This appeal was taken by the agitators as tantamount to a surrender by the Punjab Government and in consequence the campaign was intensified, some of the Muslim League M. L. As. proposing after this to offer themselves for arrest.

The 7th March was a day of rowdyism and lawlessness. Three different processions were taken out and as many as 107 men were arrested, including Sheikh Bashir Ahmad, President, City Muslim League, who courted arrest. The District Courts were attacked by a mob of 10,000 which broke windows, forced Magistrates to close their Courts and then entered the Deputy Commissioner's house. A retail cloth shop of the Lyallpur Cotton Mills was looted, the railway line damaged and three trains held up near the railway station. Shops and passengers on the railway station were robbed, some women in the train molested, and a cabinman seriously injured. The mob was asked to disperse and on its refusing to obey, the District Magistrate ordered the police to open fire. Accordingly 47 rounds were fired and four persons were killed and four injured. Curfew was imposed after this.

On the same day, some Muslim League M. L. As. led a procession in Samundri.

On 8th March, a mob of 20,000 gathered to say funeral prayers for the dead of the previous day. After the prayers a procession was formed which paraded the streets. Another procession was taken out from the Agricultural College. The curfew was defied throughout the day and about 110 persons were arrested. On hearing that a mob was making for the Chiniot Bazar, the Deputy Commissioner and the Deputy Inspector-

General of Police went there with a military patrol and met an aggressive mob. The mob was declared an unlawful assembly and was ordered to disperse, but the order was not obeyed and the District Magistrate ordered the military to open fire. As a result three persons were killed and one wounded.

Some Ahrar volunteers came from Gujranwala in a truck fitted with a mike. They evaded arrest and drove to Jhang where they were arrested. They were carrying with them three revolvers, ample ammunition and a sum of Rs. 30,000.

On the same evening, a mob cut off the wires of the internal transmission system inside the city.

A full-day curfew was clamped on 9th March, but despite this students of the Agricultural College took out a long procession. Razakars poured in from the country and about 120 of them, who had camped in the Jami' Masjid, were arrested. In the evening, the District Magistrate called a meeting of prominent citizens at which the President of the District Muslim League merely acted as a spokesman of the Committee of Action.

On the 10th March came the second appeal of the Chief Minister directing firm action against the agitators. This produced good effect, because it gave a clear direction to the District officers. The movement, therefore, began to subside and, although a procession of volunteers came out of the Jami' Masjid on 17th March, the mosque was cleared with the assistance of the *mutawalli* on the 19th March and the district returned to normal on the 20th March.

Throughout the period no injury was caused to the life or property of any Ahmadi; nor any damage to any property in the city or in the industrial area. There were two incidents of private firing, each by an Ahmadi under a misapprehension, and some children were injured in each.

The other towns in the district, which were affected by the agitation, were Chak Jhumra, Jaranwala, Dijkot, Samundri, Tandlianwala, Gojra, Toba Tek Singh and Kamalia, but no force had to be used in these places and no damage to life or property of Ahmadis was caused.

Total funds seized from the agitators amounted to Rs. 4,723-2-3.

MONTGOMERY

Montgomery is an important Ahrar centre because here (1) many Ahrar have settled. (2) several judicial cases against the Ahrar and sponsors of the anti-Ahmadiya movement originated and (3) the Ahrar run an institution, called Jami' Rashidia which was the main centre of their religio-political activities. The five leading Ahrar in this district were Mufti Zia-ul-Hasan, a nephew of the Ahrar leader Maulvi Habib-ur-Rahman of Ludhiana, who has settled in Montgomery, Maulvi Habib Ullah, Maulvi Lutfullah and Maulvi Abdullah who are brothers and founders of Jami' Rashidia at Montgomery, and Maulvi Bashir Ahmad Rizwani who has settled in Okara.

The story of the events that preceded or occurred during the disturbances here is to be found in an exhaustive written statement compiled by Mr. Haq Nawaz, Superintendent of Police, and is the same as elsewhere, namely, counter speeches by the

Ahrar and the Ahmadis, a vigorous propaganda against the Ahmadis from the mosques after the demands had been formulated by the All Parties Muslim Convention in July 1952, collection of funds and recruitment of volunteers for the direct action and, after the arrests on 27th February, public meetings and processions and arrests under section 107, Criminal Procedure Code or section 3 of the Punjab Public Safety Act. Local members of the Jama'at-i-Islami and other *maulvis* joined the movement and mosques were converted into headquarters of the *razakars*. The names of persons of different parties including the Ahrar, the Jama'at-i-Islami and the Muslim League who took active part in the demonstrations are given in appendix 1 to the written statement of the Superintendent of Police. The number of volunteers recruited was 2,000 in Montgomery, 1,500 in Okara, 700 in Arifwala and 200 in Chichawatni.

Orders of the Provincial Government to arrest Maulvi Lutfullah and Habib Ullah were received on 27th February. The latter was already undergoing a sentence of imprisonment for contempt under an order of the High Court. The District authorities intended to make more arrests and obtained the Government's permission to arrest Mufti Zia-ul-Hasan and M. Abdullah I and M. Abdullah II. On 2nd March instructions were received from the A. D. I. G. that volunteers proceeding to Karachi were not to be arrested.

The Chief Minister's appeal of 6th March had the same effect here as elsewhere, namely, it gave further impetus to the agitation.

The only incidents of importance that occurred in this district were at Okara. On 6th March a mob of 3,000 visited the railway station and detained the Down Pakistan Mail for three hours. The crowd also broke the windows of carriages and vacuum chains and attempted to molest lady passengers. On 8th March, telegraph lines were cut near Okara. On 3rd April, after some fiery speeches had been made in the Jami' Mosque, a procession of women, displaying some placards, came out. The police attempted to seize the placards, but an excited mob of 500 rushed towards the police. While the crowd was being pushed back by the police, a 70-year-old man received an injury and later died in the hospital. There is also the incident of 8th March, which we see no reason to disbelieve though it is not mentioned in any of the official statements, of Hafiz Muhammad Bakhsh, Secretary Ahmadiya Jama'at in Chak No. 2/4-L, near Okara; and his family members, of whom one is a graduate and the other a B. A., LL.B., having been made to recant their creed and abuse the founder of the Ahmadiya movement and of their having been taken from their village by a mob of 4 or 5 thousands to Jami' Millia, Okara, where they were produced and required to repeat their recantation before Maulvi Zia-ud-Din and Maulvi Mueen-ud-Din.

A 24-hour curfew was imposed in Montgomery and Okara on 14th March to facilitate arrest of the ring leaders and again from 2-30 p.m. to 6 a.m. on 17th March at Montgomery. Public processions and meetings also were banned in Montgomery and Okara for a period of 17 days on 13th March.

The district returned to normal after the incident of Okara on 3rd April 1953.

PART IV

CIRCUMSTANCES LEADING TO PROCLAMATION OF MARTIAL LAW

With this more or less chronological statement of the case in the course of which we have stated relevant facts and events with our findings on points which were in issue between some of the parties, we proceed to sum up our conclusions and to return a reply to the terms of reference. By section 4 of the Act, Punjab Act II of 1954, we were commissioned to inquire into the circumstances connected with, and the responsibility for, the disturbances in accordance with the following terms of reference :—

(*a*) the responsibility for the disturbances;

(*b*) the circumstances leading to the declaration of the Martial Law in Lahore on the 6th of March 1953; and

(*c*) the adequacy or otherwise of the measures taken by the Provincial civil authorities to prevent, and subsequently to deal with, the disturbances.

The direction in clause (*b*) regarding the circumstances does not mean that we are merely to state the events which occurred before or during the disturbances; we interpret it to mean that we are to discover the causal connection, if any, between the events and incidents that occurred before or during the disturbances and the proclamation of Martial Law in Lahore. The Act also requires us to find where the responsibility for the disturbances lies and, therefore, from the very nature of the inquiry, there must be overlapping of discussion, reference and findings in coming to conclusions regarding the responsibility for the disturbances, the circumstances which led to the promulgation of Martial Law and the measures taken to prevent or deal with the disturbances. We have, as far as possible, attempted to keep these subjects separate and to avoid repetition but that the subjects are closely allied to, and mixed up with, each other cannot be denied. Though the term relating to responsibility occurs in clause (*a*) and that to circumstances in clause (*b*), we consider it more convenient and logical to deal first with the latter.

It is admitted by all the parties concerned that in the circumstances existing on 6th March, the handing over to the military and the subordination of the civil power to the army had become inevitable. The civil authorities, who in normal times are responsible for the maintenance of law and order, had become completely helpless and lost all desire and ability to cope with the situation that had developed on the morning of 6th March. The administrative machinery had completely failed and no one was willing or anxious to face the responsibility of enforcing the law, either by arresting offenders or preventing the perpetration of crime. Vast multitudes of human beings who in ordinary times were sane, sensible citizens, had assumed the form of unruly hysterical mobs whose only impulse was to disobey; the law and to bring constituted authority to its knees while baser elements of society, having taken advantage of the prevailing disorder, were behaving like wild beasts killing people, robbing them of their possessions and burning valuable property either for the sake of fun or to spite a fancied enemy. The whole machinery which keeps society alive had crumbled to pieces, making some drastic measure necessary to restore sense to mad humanity and to provide protection for helpless citizens. The disturbances were thus directly responsible for the promulgation of Martial Law. But how did the disturbances themselves come about ? Was their cause some immediate and unexpected event or had certain parties or individuals been deliberately planning for them since long ? Here again it is admitted that the disturbances were the result of protests and demonstrations that had begun to be staged in the various towns of the Punjab by the arrest of certain members of the Majlis-i-Amal in Karachi on the morning of 27th and in some towns of the Punjab on the night of 27th February or later. These arrests were effected because the threat to resort to direct action, notice of which had been given to the Prime Minister of Pakistan more than a month earlier, was to be carried into effect by sending batches of volunteers to the residences of the Governor-General and the Prime Minister from the morning of 27th February. We are asked to believe that these batches would have gone to their destinations in perfect discipline and without any ostentation of public indignation over the Government’s indifference to the demands and that these batches, each consisting of only five persons, were merely to offer a sort of *satyagraha*. But any one having an experience of what happens on such occasions would at once dismiss this expectation as a pious wish or a disingenuous argument. What the sequence of events in Karachi or elsewhere would have been or what course the agitation would have adopted if no arrests had been made, is not merely a matter of guess or speculation but of intelligent expectation and anticipation in the light of experience of mob psychology and administrative difficulties on such occasions. Even, therefore, if no arrests had been made on the morning of 27th, the disturbances must have come about with only this difference that arrests would have become necessary a little later both in Karachi and important towns in the Punjab, where long preparations for organising volunteer corps and direct action committees and for nomination of dictators had been made. When we come to deal with the question of responsibility we shall show that parties who conceived, initiated and planned direct action had knowledge of the natural consequences of such action and that members of the Majlis-i-Amal, each and everyone of them unless he were a fool, fully knew that the course of action on which they had embarked was fraught with dangerous consequences to the life and property of the citizens and to the very existence of governmental machinery. In fact, the notice delivered to the Prime Minister had required him to abdicate in ease he was not willing to accept the demands and direct action was threatened only if he persisted in his stubbornness and refused to accept them. This threat contained in itself the implicit admission that if the Prime Minister did not resign, he would be replaced by another person as head of the Government who would be willing to accept the demands. Accordingly the demands themselves must be held as having been the direct cause of the disturbances that actually came about. It, therefore, becomes necessary to examine what the demands were and what was the nature and reason thereof.

The demands were three in number. The first required the Government to have the Qadiani section of the Ahmadis declared as a non-Muslim minority, while the second and the third required the removal of Chaudhri Zafrullah Khan from the office of Foreign Minister and of other Ahmadis who held key positions m the State, from their posts. It is admitted before us by all parties that all the three demands were essentially religious and not political in nature. The only exception to this is the Shia divine Hafiz Kifayat Husain who says that the demand regarding the declaration of the Ahmadis as a non-Muslim minority was alone religious in its character, while the other two demands were of a political nature. Neither Jama'at-i-Islami nor its leader Maulana Abul Ala Maudoodi has denied the essentially religious character of the demands, though the latter has added some more reasons for them. All other *ulama* have expressly stated that each of the three demands was a religious demand and that not one of them was political. Indeed none who was a party to the direct action could have admitted the political character of the demands without making himself directly responsible for the disturbances and the admission about their religious character had to be made perforce by everyone concerned in an attempt to avoid his being held responsible for the disturbances for a worldly reason. On this part of the case some of the important parties, as for instance, the Ahrar and the Jama'at-i-Islami, and some divines who at one time belonged to the Ahrar or Congress organisations and before the Partition were pronounced believers in nationalism and a secular State and opposed to the Partition and the Muslim League, have found themselves distinctly embarrassed and in a position of inconsistency and self-contradiction in view of their previous utterances, because if the demands were religious in their character, and religion is both immutable and inflexible, then it becomes somewhat difficult to comprehend how ideology which is based on religion changes from time to time and from place to place. Being fully conscious of the implications arising from, this position, they have adhered to the stand which they took before the public that the demands followed from their religious convictions.

Another point which at this stage we might mention about the demands is that they are alleged to be the unanimous demands of all religious sects in Islam and not merely of the persons who were parties to the resolutions passed at the All Pakistan Muslim Parties Convention in Karachi and the All Muslim Parties Convention at Lahore. It is not contended before us that each of the religious groups or organisations some of which have their own constitutions, discussed the subject independently and passed resolutions in respect of it under its own constitution. What happened is that some member or members, be they office-bearers or not, of each religious group, were selected to represent the group at the Convention, and when it is stated that the demands were the unanimous demands of all religious groups, the claim is true only to this extent that a member or members from the most important religions groups in the country had expressed their approval of the demands. It is in this sense, therefore, that the demands can be said to be the unanimous demands of all Muslim sects.

When it is alleged that the demands were unanimous and religious in their character, what is meant is that according to all sects in Islam they are clear deductions from some theological assumptions or doctrines. Almost all the *ulama* whom we questioned on the subject have stated that the demands are a corollary from the Objectives Resolution passed by the Constituent Assembly of Pakistan on 12th March, 1949, and from that religio-political system which they call Islam. It has been most vehemently urged that Pakistan was claimed and was brought into existence so that the future political set-up of the new State may be based on the Qur'an and the *sunna* and that the actual realisation of the demand and the express recognition by the Objectives Resolution, of that ground for the demand, had created in the mind of the *ulama* and the citizens of Pakistan the belief that any demand which could be established on religious grounds would not only be conceded but warmly welcomed by the people at the helm of affairs of the State who had during the last several years been crying themselves hoarse over their intention to establish in Pakistan an Islamic State with a set-up of political, social and ethical institutions of the Islamic pattern. Some leaders, it is pointed out, had publicly declared the achievement of this objective as their life's mission. What, therefore, was necessary for the *ulama* to get an acceptance of the demands was merely to prove by theological argument that the Ahmadis were a distinct and separate community outside the pale of Islam and not entitled to take any part in the public affairs of the country which were to be managed and conducted strictly in accordance with the rules of Islam. In order to comprehend the exact nature of the demands, it is necessary to state here that when it is stated that Islam is a religio-political system, what is intended to be conveyed is that it has a cultural complex embracing specific political structures and legal and social traditions as distinguished from the Islamic dogma, cult, ethics and family institutions. This conception of Islam is partly borrowed from European terminology, but is also based on the doctrine of Daurl Islam; a country with an exclusively peculiar outlook on life basing all its institutions on, and directing its activity to the attainment of ends enjoined by, Revelation. We will again have to revert to this subject, but what is of importance to comprehend at the present stage is that the demands professed to be based on the idea of an Islamic State.

With these preliminary observations let us try to understand how the demands are claimed to follow from religion. For that purpose it is necessary not only to comprehend the precise doctrinal differences between the Musalmans and the Ahmadis but also to have a clear conception of that religio-political system called Islam and of the idea of an Islamic State from which the demands are stated to flow as a necessary consequence.

DOCTRINAL DIFFERENCES BETWEEN MUSALMANS AND AHMADIS

Earlier in. Part I of the Report we have given a short account of the birth of the Ahmadiya movement and the peculiar beliefs and tenets of its followers. We will now examine these beliefs more fully with a view to being better able to understand the religious differences between the Musalmans and the Ahmadis.

KHATM-I-NUBUWWAT

The first difference relates to the status of Mirza Ghulam Ahmad, the founder of the Ahmadiya community. Mirza Ghulam Ahmad claimed to Be a prophet (*nabi*) and this claim according to Musalmans put him completely outside the pale of Islam. A generally accepted *hadith* states that the number of prophets sent by God for the guidance of humanity is one lac and twenty-four thousand, and the Holy Prophet of Islam is believed by the Musalmans to have been the last of this series of prophets of whom some have been specifically mentioned in the Qur'an and the Bible. The doctrine of *khatm-i-nubuwwat* in the sense that prophethood (*nubuwwat*) ceased with the death of the Holy Prophet and that no new prophet (*nabi*) shall appear hereafter is said to be deducible from the following verses of the Qur'an :—

Sura XXXIII, *verse* 40 :

> "Muhammad is not the father of any of your men, but (he is) the Apostle of God, and the Seal of the Prophets : and God has full knowledge of all things."

Sura III, *verse* 81 :

> "Behold ! God took the Covenant of the Prophets, saying : 'I give you a Book and Wisdom ; then comes to you an Apostle, confirming what is with you ; do ye believe in him and render him help.' God said : 'Do ye agree, and take this My Covenant as binding on you ?' They said: 'We agree.' He said: 'Then bear witness, and I am with you among the witnesses.' "

Sura V, *verse* 4 :

> "This day have those who reject Faith given up all hope of your religion ; Yet fear them not but fear Me. This day have I perfected your religion for you, completed My favour upon you, and have chosen for you Islam as your religion."

Reliance is also placed on several *ahadith* and standard commentaries on the verses cited above beginning from the earliest times which are to the effect that no fresh prophet shall appear after our Holy Prophet. Some verses by celebrated poets in Arabic, Persian and Urdu, and treatises and tracts on the subject have also been referred to. Mr. Abdur Rahman Khadim, learned counsel for the Ahmadiya community, on the other hand, relies on Sura IV, verse 69, Sura LVII, verse 19, Sura VII, verse 35 and Sura XXIII, verse 51, which are as follows :—

Sura IV, *verse* 69 :

> "All who obey God and the Apostle are in. the company of those on whom is the Grace of God,—of the prophets (who teach), the Sincere (lovers of Truth), the witnesses (who testify), and the Righteous (who do good): Ah! what a beautiful Fellow-ship."

Sura LVII, *verse* 19 :

> "And those who believe in God and His apostles—they are the sincere (lovers of Truth), and the witnesses (who testify), in the eyes of their Lord : They shall have their Reward and their Light. But those who reject God and deny Our Signs,— they are the Companions of Hell-Fire."

Sura VII, *verse* 35 :

> "O ye Children of Adam ! Whenever there come to you apostles from amongst you, rehearsing My Signs unto you,—those who are righteous and mend (their lives),—on them shall be no fear nor shall they grieve."

Sura XXIII, *verse* 51 :

> "O ye apostles I enjoy (all) things good and pure, and work righteousness : For I am well-acquainted with (all) that ye do."

By a process of reasoning, which we need not explain here because we are neither required nor supposed to give a finding on the question whether any particular interpretation is correct, it is sought to prove from these verses of the Qur'an that there will in future, *i.e.*, after our Holy Prophet, be persons to whom the word '*nabi*' or '*rasul*' may be applicable, and to reinforce this argument reference has also been made to some *ahadith* and to the works of some commentators and persons whose high spiritual status is generally acknowledged. Though it is not denied that Mirza Ghulam Ahmad used the word '*nabi*' in respect of himself, it is contended that he used the word in a special sense and that he was not a '*nabi*' in the technical sense, namely, in the sense of a person who brings a fresh message from God in abrogation, modification or supplementation of a similar earlier message and that his claim to prophethood (*nubuwwat*) was not to a *tashri'i* but only to a *zilli* or *buruzi nubuwvwat*. From the other side, it is urged that the idea of *buruz* or *zill*, which may be translated as 'incarnation', is foreign to the Islamic dogma and that any person, who claims to be the recipient of what may be called *wahi-i-nubwwwat*, creates a new *ummat* and automatically leaves the fold of Islam, and by reference to several writings of Mirza Ghulam Ahmad, of the present head of the Ahmadiya community and representative authors of that community, it is sought to establish that Mirza Ghulam Ahmad did claim to be the recipient of *ilham* or *wahi* of the kind which God had hitherto reserved exclusively for prophets. The question, therefore, is reduced to this whether Mirza Ghulam Ahmad ever claimed to be the receiver of such *wahi* as amounted to *wahi-i-nubuwwat*. In the past whenever a *nabi* has appeared he has always imposed on the people among whom he appears an obligation—our Holy Prophet imposed such obligation on entire humanity—to examine his claim and to believe in him and any disbelief or doubt in his *nubuwwat* exposes them to certain ultramundane liabilities. The people, therefore, find themselves called upon either to accept or to reject the claim. The acceptance of the claim brings into existence a new religious community which is considered by the earlier community to be an outcaste, while the new community considers those who do not believe in the new prophet to be outside their own community. Though Mirza Ghulam Ahmad started offering his hand with a direction to the people to accept it, the question still remains whether he claimed for his *wahi* the status of *wahi-i-nubuwwat*, omission to believe in which involves certain spiritual and ultramundane consequences. Before us the Ahmadis and their present head have, after careful consideration, taken the stand that he did not, but the other side vehemently contends that he did. There are some indications in the Ahmadiya literature, including some writings of Mirza Ghulam Ahmad himself and the present head of the Ahmadiya community to support the contending party's assertion, but the position adopted before us now is clear that Mirza Ghulam Ahmad called himself a *nabi* merely because in one of his *ilhams* he was described as such by God, that he brought no new code, that he neither repealed nor supplemented the original code and that an omission to believe in Mirza Sahib's *wahi* does not take a person outside the pale of Islam. We have said before that it is not our business to give a finding whether the Ahmadis are or are not within the pale of Islam and we have referred to this point merely with a view to explaining the differences that are alleged to exist between them and the non-Ahmadis, leaving it to the latter to judge whether they should or should not consider the former to be Muslims.

CHRISTOLOGY

The second important difference between the two parties relates to the incident of crucifixion of Jesus and the belief in his reappearance before the Day of Resurrection. On the crucifixion and reappearance of Jesus there are at least four views :

(1) the view shared by most of the Muslim sects that Jesus did not die on the Cross and that he is alive in the Fourth Heaven from where he will descend on the earth before the Day of Resurrection, his appearance being one of the signs of the approaching Day ;

(2) the view held by the Ahmadis that Jesus was saved from the Cross, tended by his disciples and cured of his wounds, after which he came over to Kashmir where he died a natural death, that the person who was promised to appear before the Day of Resurrection was to be a person with the attributes of Jesus, his *maseel*, and that that person was Mirza Ghulam Ahmad ;

(3) the view that Jesus died on the Cross, but that he will rise from his grave before the Day of Resurrection; and

(4) the view that Jesus died on the Cross and that he will not at all appear, neither he in person nor his *maseel*.

The verses of the Qur'an. which have reference to this phenomenon are :—

Sura XLIII, *verses* 57 *to* 61 :

57. "When (Jesus) the son of Mary is held up as an example, behold, thy people raise a clamour thereat (in ridicule) !

58. "And they say, 'are our gods best, or he ?' This they set forth to thee, only by way of disputation : yea, they are a contentious people.

59. "He was no more than a servant: We granted our favour to him, and we made him an example to the Children of Israel.

60. "And if it were Our Will, we could make angels from amongst you, succeeding each other on the earth.

61. "And (Jesus) shall be a Sign (for the coming of) the Hour (of Judgment) : Therefore, have no doubt about the (Hour), but follow ye Me : this is a Straight Way."

Sura V, *verse* 120 :

"Never said I to them aught except what Thou didst command me to say, to wit, 'Worship God, my Lord and your Lord' ; and I was a witness over them whilst I dwelt amongst them ; when Thou didst take me up, Thou wast the Watcher over them, and Thou art a witness to all things."

Sura III, *verse* 55 *and* 144 :

55. "Behold ! God said : 'O Jesus ! I will take thee and raise thee to Myself and clear thee (of the falsehood) of those who blaspheme ; I will make those who follow thee superior to those who reject Faith, to the Day of Resurrection : Then shall ye all return unto Me, and I will judge between you of the matters wherein ye dispute.

144. "Muhammad is no more than an Apostle : many were the Apostles that passed away before him. If he died or were slain, will ye then turn back on your heels ? If any did turn back on his heels, not the least harm will he do to God; but God (on the other hand) will swiftly reward those who (serve him) with gratitude."

Sura IV, *verses* 157 *and* 158 :

157. "That they said (in boast), 'We killed Christ Jesus the son of Mary, the Apostle of God' ;—but they killed him not, nor crucified him, but so it was made to appear to them, and those who differ therein are full of doubts, with no (certain) knowledge, but only conjecture to follow, for of a surety they killed him not ;—

158. "Nay, God raised him up unto himself; and God is Exalted in Power, Wise ;"

The non-Ahmadi Muslims interpret these verses so as to show that Jesus did not die on the Cross, that a phenomenon occurred in the nature of an optical illusion, and that in fact God lifted up Jesus towards himself where he is still alive in the Fourth Heaven from where he will descend before the Day of Resurrection. This view is sought to be supported by several *ahadith* on the subject. The Ahmadis, however, take these very verses to mean that Jesus died a natural death, though not on the Cross, and that another person with the attributes of Jesus was to appear and that that person has already appeared in the person of Mirza Ghulam Ahmad. They also cite some opinions of renowned theologians in support of the view that only a person like Jesus and not Jesus himself is the promised Messiah who is to appear before the Day of Resurrection. It is contended by Maulana Murtaza Ahmad Khan Maikash on behalf of the Majlis-i-Amal that the Ahmadiya interpretation of these and certain other verses of the Qur'an amounts to *tavil* and *tehrif*, which amounts to *kufr* and *irtidad* and renders the man guilty of such misinterpretation liable to forfeit his life and property (*halaluddam walmal*). We are not called upon to express our own opinion on the merits of this controversy which centres round the meaning of the word '*masalan*' (مثلاً) in verse 57 of Sura LXIII and of the derivatives of the word '*wafa*' (وفیٰ) which have been used in some of the verses cited above and also relates to the antecedent of the pronoun in the (انهٗ) in verse 61 of Sura LXIII.

JIHAD

The third difference between the two parties arises out of the scope of the doctrine of *jihad*, the texts relating to which are to be found in Sura XXII verses 39 and 40, Sura II, verses 190 to 194, Sura LX, verse 8, Sura IV verses 74 and 75, Sura IX, verse 5, and Sura XXV, verse 52, which are as follows :—

Sura XXII, *verses* 39 *and* 40 :

> 39. "To those against whom war is made, permission is given (to fight) because they are wronged;—and verily, God is most Powerful for their aid;—
>
> 40. (They are) those who have been expelled from their homes in defiance of right,—(for no cause) except that they say, 'Our Lord is God.' Did not God check one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of God is commemorated in abundant measure. God will certainly aid those who aid His (cause);—for verily God is Full of Strength, exalted in Might, (able to enforce His Will)."

Sura II, *verses* 190 *to* 194 :

> 190. "Fight in the Cause of God those who fight you, but do not transgress limits; for God loveth not transgressors.
>
> 191. And slay them wherever ye catch them and turn them out from where they have turned you out; for tumult and oppression are worse than slaughter; but fight them not at the Sacred Mosque, unless they (first) fight you there: but if they fight you, slay them. Such is the reward of those who suppress faith.

> 192. But if they cease, God is Oft-forgiving, Most Merciful.
>
> 193. And fight them on until there is no more tumult or oppression, and there prevail justice and faith in God; but if they cease, let there be no hostility except to those who practise oppression.
>
> 194. The prohibited month for the prohibited month,—and so for all things prohibited,—there is the law of equality. If then any one transgresses the prohibition against you, transgress ye likewise against him. But fear God, and know that God is with those who restrain themselves."

Sura LX, *verse* 8 :

> "God forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and Justly with them : For God loveth those who are just."

Sura IV, *verses* 74 *and* 75

> 74. "Let those fight in the cause of God who sell the life of this world for the Hereafter, to him who fighteth in the cause of God,— whether he is slain or gets victory—soon shall We give him a reward of great (value).
>
> 75. And why should ye not fight in the cause of God and of those who, being weak, are ill-treated (and oppressed)? Men, women and children, whose cry is: 'Our Lord ! rescue us from this town, whose people are oppressors; and raise for us from Thee one who will protect; and raise for us from Thee one who will help' "

Sura IX, *verse* 5 :

> "But when the forbidden months are past, then fight and slay the Pagans wherever ye find them, and seize them, beleaguer them, and lie in wait for them in every stratagem (of war); but if they repent, and establish regular prayers and practise regular charity, then open the way for them: for God is Oft-forgiving, Most Merciful."

Sura XXV, *verse* 52 :

> "Therefore listen not to the Unbelievers, but strive against them with the utmost strenuousness, with the (Qur'an)."

As to the doctrine of *jihad*, the Ahmadi view is that what is called '*jihad-bis-saif*' is permissible only in self-defence and that in stating his own view on this question Mirza Ghulam Ahmad merely expounded a doctrine which is based on, and directly follows from, the several texts in the Qur'an and that he did not profess to repeal or abrogate any rule or injunction of the Qur'an. The contention of the other parties, however, is that the words in which Mirza Sahib expressed himself on this point clearly show that he was not merely expounding a Quranic doctrine but was repealing an existing law of the Qur'an. In this connection reliance is placed on such expressions as—

"*Main ek hukam le-kar ap logon ke pas aya hun woh yeh hai keh ab se talwar ke jihad ka khatima hai*"

(I have brought a commandment for you people; it is that henceforth *jihad* by sword is forbidden).

"*Ab jihad din ke liye haram hai*"

(Now *jihad* for the sake of religion is prohibited.)

"*Din ke tamam jangon ka ab ikhtitam hai*"

(All wars for religion have now been forbidden.)

"*Masih ke ane-ka yeh nishan hai keh woh din ki lara'iyan khatam kar-dega*"

(The sign for the advent of Messiah is that he will stop wars for religion.)

"*Main ne jihad ki mumana'at ke bare men nihayat mu'assir taqriren kin*"

(I made effective speeches in support of prohibition of *jihad*.)

"*Main ne jihad ke khilaf sad-ha kitaben tehrir kar-ke* Arab *aur* Misr *aur* Bilad-i-Sham *aur* Afghanistan *men* Government *ki ta'id men sha'e ki hain*"

(I have written hundreds of books against *jihad* and published them in Arabia, Egypt, Syria and Afghanistan in support of the Government.)

"*Masih mau'ud ke waqt qat'-an jihad ka hukam mansukh kar-diya gaya*"

(The injunctions relating to *jihad* were abrogated *in toto* during the time of the promised Messiah.)

"*Ab zamin ke fasad band kiye gaye*"

(Tumult on earth has, henceforth, been stopped.)

"*Ab jo din ke liye, talwar uthata hai aur ghazi nam rakh-kar kafiron ko qatl karta hai woh Khudawand-ta'ala aur ua-ke rasul ka na-farman hai*"

(He who draws his sword and, claiming to be a *ghazi*, kills infidels, disobeys God and His Prophet.)

"*Mere firqe men jis-ka Khuda ne mujhe imam aur rah-bar muqarrar farmaya hai talwar ka jihad bilkul nahin—Yeh firqa is bat ko qat'-an haram janta hai keh din ke liye lara'iyan ki jain*"

(*Jihad* with sword is totally prohibited for my community, for whom God has appointed me imam and guide. This community considers it totally prohibited (*haram*) to fight wars in the name of religion.)

> "*Islam men jo jihad ka masala hai meri nigah men us se badtar Islkam ko badnam karne wala aur koi masala nahin*"
>
> (In my opinion, no doctrine defames Islam more than the doctrine of *jihad*.)
>
> "*Mujhe* Masih *aur* Mahdi *man lena hi msala-i-jihad ka inkar kiarna hai*"
>
> (Merely to acknowledge me as Messiah and Mahdi is to deny belief in the doctrine of *jihad*.)

to be found in the writings of Mirza Sahib or his successors or followers. Relying on these and the assertion "*Meri wahi men amr bhi hai aur nahi bhi*" (there are commands as well as prohibitions in my revelations) in 'Arba'ee'n No, 4, page 7', it has been vigorously urged that the declarations contained therein amount to a repeal or modification of an. existing law to be found in the Qur'an. The reply to this from the aide of the Ahmadis is that the words and expressions used do not contain any repeal but are merely expositive of a Quranic doctrine which had for centuries been misunderstood and, that, in any case, whatever interpretation on these expressions may be put by others, the Ahmadis have always understood them to mean that no new doctrine was being expounded therein but only a reaffirmation of the original doctrine to be found in the Qur'an and that what Mirza Ghulam Ahmad did was merely to remove the dross from the purity of the original doctrine. Reference in this connection was also made by the Ahmadiya party to the tradition of '*yuzi`ul-harb*' يضع الحرب and it was argued that what Mirza Sahib, as would appear from some of his writings, did was merely to suspend war (حرب) in accordance with this tradition and not to repeal any law. The point is of considerable importance because if it be held that these views of Mirza Ghulam Ahmad were intended to lay down, and are being understood by his followers as laying down, a new doctrine in supersession or even partial modification of the original doctrine in the Qur'an, Mirza Sahib's claim to *nubuwwat* would amount to that of a *tashri'i nabi* and in that case it would be opposed to Ahmadis' own interpretation of *aya-i-khatam-un-nabiyin*. And more particularly would this be the result if the exposition of the doctrine is based on a *wahi* or an *Ilham*. The argument is carried a step further by non-Ahmadi parties by urging that even if the view contained in these writing is merely declaratory or re-affirmatory of the original doctrine, the position of Mirza Sahib would still be that of a *tashri'i nabi* on the principle that declaratory legislation is itself legislation of the original if the declarant claims in himself the right to declare as distinguished from the right to interpret. The Ahmadis seek to explain the true import of these writings by referring to the relevant texts of the Qur'an which we have quoted above and by questioning the correctness of the generally held view that *ayat-us-saif*, the fifth verse in the ninth *sura*, which was revealed in Medina, repealed the earlier verses revealed in Mecca which related to the waging of war against the *kuffar* in self-defence or in order to rescue from oppression the believers who were living in that part of Arabia which was still tinder the influence of the *kuffar*. One of the cardinal beliefs of the Ahmadis, it is pointed out, is that no text of the Qur'an has been repealed by a subsequent text and that *ayat-us-saif* presents no repugnancy to, or inconsistency with, the verses revealed in Mecca. The whole theory of *nasikh* and *mansukh* is repudiated and the following two verses which have a bearing on the point :—

Sura II, *verse* 106 :

“None of Our revelations
Do We abrogate
Or cause to be forgotten
But We substitute
Something better or similar ;
Knowest thou not that God
Hath power over all things?”

Sura XVI, *verse* 101 :

“If we put one *aya* in
The place of another—
And Allah surely knows
Best what he sends down,
They say ‘Thou art indeed a forger.”

are sought to be explained on other grounds. Having explained the precise-point in the controversy, we leave this subject here but will revert to it later when we shall endeavour to illustrate how plain texts of the Qur’an have often been misunderstood and made an occasion for some of the most startling generalization wholly unjustified by any established rule of exegetics or construction.

The seeds of the controversy delineated above lie scattered over more than half a century. Difference on such doctrines as *khatm-i-nubuwwat*, reappearance near the Day of Resurrection of Isa lbn-i-Maryam in his earthly form, and the *jihad* could not fail to evoke from the *ulama* protests and declarations of heresy for Mirza Sahib. *Fatwas* of *kufr* therefore began to be pronounced against him immediately after he announced his commission from God in 1882. While the new movement appealed to and attracted to itself some men of intellect and influence, such as Maulana Muhammad Ali, Khwaja Kamal-ud-Din, Dr. Mirza Yaqub Beg and Dr. Muhammad Husain, it also roused the ire of others who considered it to be political in origin and a danger to Muslim communities and countries. Doctor Muhammad Iqbal denounced it very strongly and Professor Ilyas Burney just ridiculed it. Many others wrote and, have been writing ceaselessly against it. The Ahmadis know the value of publicity and their propaganda machinery has remained active throughout. Thus a vast mass of literature from both sides has come into existence.

OTHER COMPLAINTS AND ACCUSATIONS

The words *mulhid, murtadd, kafir, zindiq, mushrik, munafiq, fasiq, fajir, muftari, mal’un, kazzab, shaitan, iblis, mardud, shaqi* are stock words in all religious controversies in Islam, and all these appellations began to be used in the literature relating to this controversy. These were followed on both sides by less technical terms, such as *waladuzzina, waladul-haram* (bastard), *khanzir* (swine), harlots, whores, bitches, drunkard, fornicator, adulterer, cheat, goonda, bloody, shameless, and many others too vulgar to mention. Since the Partition the controversy has been nothing more than a sustained campaign of abuse, often degenerating into vile and vulgar attacks on personal character, in which the Ahrar have far excelled their opponents.

Such dissensions had admirably suited the British who wanted the people over whom they were ruling to be engrossed in religious differences, so long as such controversies did not amount to a threat to law and order. If people merely disputed about one another's right to go to Heaven or their liability to be eternally condemned to Hell, and they neither broke skulls nor demanded for themselves things of the world, the British looked upon such disputatious with complete equanimity, perhaps with satisfaction. But the moment it came to the breaking of heads, he was firm and uncompromising. Mirza Sahib had fully appreciated this blessing of the British *raj* which not only allowed but encouraged such controversies, and one of the chief complaints of the non-Ahmadis against the founder and leaders of the Ahmadiya movement is their utter sycophancy of the British. Mirza Sahib's publication on *jehad* tends to show that the work was written with reference to the events that were happening on the Frontier where repeated incidents of murder of British officers had occurred. Every British officer who came to India was directed to beware the *ghazi*—the fanatic tribesman or Afghan who considered it a religious merit and financially beneficial to kill a *kafir* and to get a reward for it in Heaven. Such attacks, if they were prompted by religious prejudice, were of course opposed to the Islamic doctrine of *jehad*, and Mirza Sahib did well in contradicting this belief. But he made his exposition of the doctrine look suspect on account of the sycophantic and flattering references that were made in it to the benign British Government and its policy of religious toleration. The anger of Musalmans was further aroused when disparaging comparisons were made by Mirza Sahib between the religious intolerance prevailing in Muslim countries and the liberal religious policy followed by the British. He seems to have been conscious that his doctrines would be taken in other Muslim countries as dissemination of *irtidad*, and this impression of his must have been confirmed when Abdul Latif was stoned to death in Afghanistan. The celebrations at Qadian of the victory when Baghdad fell to the British in 1918 during the First World War in which Turkey was defeated, caused bitter resentment among Musalmans and Ahmadiyyat began to be considered as a handmaid of the British.

When the possibility of a separate homeland for Muslims by the Partition of the country began faintly to appear on the horizon, Ahmadis began to concern themselves with the shadow of coming events. Some of their writings from 1945 to early 1947 disclose that they expected to succeed to the British but when the faint vision of Pakistan began to assume the form of a coming reality, they felt it to be somewhat difficult permanently to reconcile themselves with the idea of a new State. They must have found themselves on the horns of a dilemma because they could neither elect for India, a Hindu secular State, nor for Pakistan where schism was not expected to be encouraged. Some of their writings show that they were opposed to the Partition, and that if Partition came, they would strive for re-union. This was obviously due to the fact that uncertainty began to be felt about the fate of Qadian, the home of Ahmadiyyat, about which several prophesies had been made by Mirza Sahib. Provisional Partition had placed Qadian in Pakistan, but Muslims in the district of Gurdaspur in which Qadian was situated were only in a majority of one per cent, and the Muslim population in that district was mostly concentrated in three towns including Qadian. Apprehensions about the final location of Qadian, therefore, began to be felt, and since they could obviously not ask for its inclusion in India, the only course left for them now was to fight for its inclusion in Pakistan. Vile and unfounded charges have been levelled against the Ahmadis that the district of Gurdaspur was assigned to India by the Award of the Boundary Commission because of the attitude adopted by the Ahmadis and the arguments addressed by Chaudhri Zafrullah Khan who had been selected by the Quaid-i-Azam to present the case of the Muslim League before that Commission. But the President of this Court, who was a Member of that Commission, considers it his duty to record his gratitude to Chaudhri Zafrullah Khan for the valiant fight he put up for Gurdaspur. This is apparent from the record of the Boundary Commission which anyone who is interested may see. For the selfless services rendered by him to the Muslim community, it is shameless ingratitude for anyone to refer to Chaudhri Zafrullah Khan in the manner in which he has been referred to by certain parties before the Court of Inquiry.

The next complaint which has been detailed before us against the Ahmadis consists in Mirza Sahib's exaggerated reference to himself in comparison with the other prophets including our holy prophet and the use by Ahmadis for some of their own people of names, such as, Amir-ul-Momineen, Ummul Momineen, Sayyadatun Nisa, Razi Allah Anho, Sahaba-e-Karam, which have acquired special sanctity by reason of their having been exclusively used for certain persons for their being members of the prophet's family or circle of friends. The reply to it by Mr. Abdur Rahman Khadim, who has taken great pains in unearthing ancient literature, is that most of these names have also been used in the families of certain saints including the family of the Ahrar leader Sahibzada Faiz-ul-Hasan, and by the leaders or *pirs* of other sects including another Ahrar leader Chaudhri Afzal Haq. It is no function of ours to decide whether the names were rightly used or not, but we are in no doubt about the effect on Muslim feelings of the use of these terms which have by their special and restricted use become sacrosanct and are exclusively associated with the memory of certain high personages in the history of Islam. The same is our view about some references to be found in the Ahmadiya literature to some ladies in the prophet's family, though this complaint also has a precedent, perhaps more vulgar, in Qalaid-ul-Jawahir. Of course any comparison between the holy prophet and any other person, alive or dead, must cause offence to every believer. Some conversions by Ahmadi officers or officials are also proved to have been reported to the headquarters. These activities were finally stopped by a direction issued by the head of the community after the Central Government's communique of 14th August 1952.

Reference here is necessary to the article '*Khuni mulla ke akhiri din*' (last days of the bloody *mulla*), published in the 'Alfazl' of 15th July 1952, on which special stress has been laid by the Jama'at-i-Islami, the Majlis-i-Amal and the Ahrar in proof of the provocative character of the Ahmadiya literature. The object of this article was to show that the new State of Pakistan had been brought into existence by the Providence to finish the *mulla*. The document is a strongly worded invective against the *mulla* and seeks to show that in the past *mullas* have been responsible for the downfall of many a Muslim State. The instances of three Ahmadis who were executed in Afghanistan, namely, one Abdur Rahman Khan in the time of Amir Abdur Rahman, Sahibzada Abdul Latif who was stoned to death in the time of Amir Habib Ullah, and Ne'matullah Khan who was put to death in the time of Amir Aman Ullah Khan, are cited together with what befell to each of these Amirs, and it is stated that the more tolerant State of Pakistan had come into being in opposition to the *mulla*-ridden Afghanistan, The policy declared by the Quaid-i-Azam that all Muslims should unite and present one front is cited to foretell the fate of *mullas* like Ata Ullah Shah Bukhari, Mulla Badayuni, Mulla Ehtisham-ul-Haq, Mulla Muhammad Shafi and Mulla Maudoodi. The article is definitely provocative and the derisive references in it to *ulama* like Maulana Ehtisham-ul-Haq and Maulana Muhammad Shafi, who were both members of the Board of Ta'limat-i-Islami attached to the Constituent Assembly, and Maulana Abul Ala Maudoodi whose vast learning in theology no one can question, must have offended not only the *ulama* specifically mentioned in the article but the entire body of *ulama*. There is, however, one thing about this article and that is that it was written after the All Pakistan Muslim Parties Convention in Karachi and the All Muslim Parties Convention in Lahore had constituted their Majlis-i-Amals in which the five named learned *ulama* had been included and the campaign for the declaration of the Ahmadis as a non-Muslim minority had been started. The article was, therefore, written in retaliation. Nevertheless it serves to show how attack by one party led to retaliation by the other and the situation went on deteriorating.

The Ahmadis are a well-knit community. Their headquarters are in an exclusively Ahmadiya town where is located a central organisation which has different departments, such as department of foreign affairs, department of internal affairs, department of public affairs and department of publication and propaganda which are to be found in the organisation of a regular secretariat. They have also a batch of volunteers, called *khuddam-i-din*, composed of the Furqan Battalion, which was an exclusively Ahmadiya Battalion serving in Kashmir. They do not say their prayers with or behind the other Muslims and do not give their daughters in marriage to them. All these facts, which are proved by the evidence, have been emphasised by non-Ahmadi parties to justify their demand for the declaration of the Ahmadis as a separate community. The Ahmadis seek to justify this organisational pattern on the ground that every community, if it has a definite object, policy or programme of action, is entitled to organise its affairs in its own way so that maximum results may be obtained, and as regards the allegation of their not permitting their daughters to marry non-Ahmadis, the position taken is that the marriage of an Ahmadi girl with a non-Ahmadi is not void though in the interests of the girl concerned the parents are advised to seek for her a husband from her own community, and in this connection instances of other sects and *jama'ats* who follow a similar practice are cited. The same is the reply to the charge of their not saying their prayers behind other Muslims, because such discrimination is observed by the other sects also. The instance of

Chaudhri Zafrullah Khan's not joining the funeral prayers for the Quaid-i-Azam has been prominently mentioned, but Chaudhri Zafrullah Khan's reply is that since Maulana Shabbir Ahmad Usmani, who led the funeral prayers, had publicly declared the Ahmadis to be *kafirs* and *murtadds* and liable to death penalty, he could not make up his mind to join the prayers which were led by the Maulana. The position finally adopted by the Ahmadis before us on the question of funeral prayers is that an opinion of Mirza Ghulam Ahmad has now been discovered which permits the Ahmadis to join the funeral prayers of the other Muslims who are not *mukazzibs* and *mukaffirs* of Mirza Sahib. This does not at all improve the position, because the necessary implication of this opinion is that prayers are not to be said for a deceased person who did not believe in Mirza Ghulam Ahmad, and as such it virtually confirms the existing practice.

On the question whether the Ahmadis consider the other Musalmans to be *kafirs* in the sense of their being outside the pale of Islam, the position taken before us is that such persons are not *kafirs* and that the word *kufr*, when used in the literature of the Ahmadis in respect of such persons, is used in the sense of minor heresy and that it was never intended to convey that such persons were outside the pale of Islam. We have seen the previous pronouncements of Ahmadis on this subject, which are numerous, and to us they do not seem to be capable of any other interpretation than this that people who do not believe in Mirza Ghulam Ahmad are outside the pale of Islam. It is now stated that Musalmans, who do not accept the claim of a *mamoor-min*-Allah after the Holy Prophet, are not deniers of Allah and the prophet and are, therefore, still within the *ummat*. This is in no way inconsistent with the previous announcements that the other Musalmans are *kafirs*. In fact, these words indirectly reaffirm the previous conviction that such persons are Musalmans only in the sense that they belong to the prophet's *ummat* and as such are entitled to be treated as members of Muslim society (*muashira*). This is very different from saying that they are Musalmans and not *kafirs*.

The last complaint against the Ahmadis is that of aggressive propaganda for the propagation of Ahmadiya tenets. In this respect, the instance of Chaudhri Zafrullah Khan's speech on 18th May 1952 in the Jehangir Park, Karachi, and the practice of Ahmadi officers' openly presiding over and speaking in favour of the movement at public meetings, and their efforts to convert those who come in official contact with them have been referred to. The conduct of Government officers and officials in becoming office-bearers of local Anjumans has been severely criticised. Reliance has also been placed in this connection on Mirza Bashir-ud-Din Mahmud Ahmad's speech, in Quetta, published in the 'Alfazl' of 13th August 1948, in which he appealed to his community to intensify their propaganda in Baluchistan, so that that Province may become a base for future operations and on his address at the annual meeting of Sadr Anjuman Ahmadiya., Rabwah, during the Christmas of 1951, which was published in the 'Alfazl' of 16th January 1952, in the course of which he made an impassioned appeal to his followers to accelerate and intensify their proselytising activities, so that persons who had hitherto been unbelievers may fall into the lap of Ahmadiyyat by the end of 1952. The address published in the 'Alfazl' of 11th January 1952, in which Ahmadis were persuaded not to concentrate in one department, namely, the army, but to disperse in all other departments, has also been referred to as well as several reports submitted by Ahmadi Government officers or officials to the headquarters of the result of their *tabligh*.

The Ahmadi propaganda was not confined to Pakistan and it appears there were reports published in the 'Alfazl' that *tabligh* in other countries by the Ahmadis stationed at those places occasionally led to assaults and disorders. A similar incident occurred in Okara where during the time of a Deputy Commissioner, who was an Ahmadi, some Ahmadi preachers went to non-Ahmadi villages where they were maltreated, with the result that subsequently an Ahmadi schoolmaster was murdered by a youth who had listened to some speeches at a meeting which had been held in order to protest against the arrests made in connection with the maltreatment of the Ahmadi preachers.

This intensive and aggressive propaganda is alleged to have offended the religious susceptibilities of Musalmans and provided a reason for the demand that the Ahmadis be declared to be a non-Muslim minority. In the course of arguments some other writings by the leaders of the Ahmadis were also mentioned in which Musalmans were either described as enemy (*dushman*) or as Musalmans to distinguish them from Ahmadis.

IDEOLOGY BEHIND THE DEMANDS

With this statement of the doctrinal differences between the Musalmans and the Ahmadis and of the activities of the latter, we are in a position to understand the grounds on which the three demands were put forward. We have said earlier that almost all the *ulama* are agreed that each of the three demands was based on their conception of Islam. Maulana Daud Ghaznavi,. Master Taj-ud-Din Ansari, Sayyad Muzaffar Ali Shamsi and some others further claimed that the demands followed as a corollary from the Objectives Resolution which had been passed by the Constituent Assembly of Pakistan on 12th March 1949 after a prolonged and heated debate. And throughout the inquiry every one has taken it for granted that the demands were the result of the ideology on the strength of which the establishment of an Islamic State in Pakistan was claimed and had been promised from certain quarters. The point which must be clearly comprehended to appreciate the plausibility or otherwise of the demands is that in an Islamic State or, what is the same thing, in Islam there is a fundamental distinction between the rights of Muslim and non-Muslim subjects, and one distinction which may at once be mentioned is that the non-Muslims cannot be associated with the business of administration in the higher sphere. Therefore if the Ahmadis were not Muslims but *kafirs*, they could not occupy any of the high offices in the State, and as a deduction from this proposition two of the demands required the dismissal of Chaudhri Zafrullah Khan and other Ahmadis who were occupying key positions in the State, and the third required the declaration of Ahmadis as a non-Muslim minority to ensure that no Ahmadi may in future be entrusted with any such position in the State. As this issue which the demands directly raised was fundamental, and of the greatest importance to the future of Pakistan, we have, with the assistance of the *ulama*, gone closely into the conception of an Islamic State and its implications which we now proceed to state.

ISLAMIC STATE

It has been repeatedly said before us that implicit in the demand for Pakistan was the demand for an Islamic State. Some speeches of important leaders who were striving for Pakistan undoubtedly lend themselves to this construction. These leaders while referring to an Islamic State or to a State governed by Islamic laws perhaps had in their minds the pattern of a legal structure based on or mixed up with Islamic dogma, personal law, ethics and institutions. No one who has given serious thought to the introduction of a religious State in Pakistan has failed to notice the tremendous difficulties with which any such scheme must be confronted. Even Dr. Muhammad Iqbal, who must be considered to be the first thinker who conceived of the possibility of a consolidated North Western Indian Muslim State, in the course of his presidential address to the Muslim League in 1930 said:

> “Nor should the Hindus fear that the creation of autonomous Muslim States will mean the introduction of a kind of religious rule in such States. The principle that each group is entitled to free development on its own lines is not inspired by any feeling of narrow communalism”.

When we come to deal with the question of responsibility we shall have the occasion to point out that the most important of the parties who are now clamouring for the enforcement of the three demands on religious grounds were all against the idea of an Islamic State. Even Maulana Abul Ala Maudoodi of Jama’at-i-Islami was of the view that the form of Government in the new Muslim State, if it ever came into existence, could only be secular.

Before the Partition, the first public picture of Pakistan that the Quaid-i-Azam gave to the world was in the course of an interview in New Delhi with Mr. Doon Campbell, Reuter’s Correspondent. The Quaid-i-Azam said that the new State would be a modern democratic State, with sovereignty resting in the people and the members of the new nation having equal rights of citizenship regardless of their religion, caste or creed. When Pakistan formally appeared on the map, the Quaid-i-Azam in his memorable speech of 11th August 1947 to the Constituent Assembly of Pakistan, while stating the principle on which the new State was to be founded, said:—

> “All the same, in this division it was impossible to avoid the question of minorities being in one Dominion or the other. Now that was unavoidable. There is no other solution. Now what shall we do? Now, if we want to make this great State of Pakistan happy and prosperous we should wholly and solely concentrate on the well-being of the people, and specially of the masses and the poor. If you will work in co-operation, forgetting the past, burying the hatchet, you are bound to succeed. If you change your past and work together in a spirit that every one of you, no matter to what

community he belongs, no matter what relations he had with you in the past, no matter what is his colour, caste or creed, is first, second and last a citizen of this State with equal rights, privileges and obligations., there will be no end to the progress you will make.

"I cannot emphasise it too much. We should begin to work in that spirit and in course of time all these angularities of the majority and minority communities—the Hindu community and the Muslim community—because even as regards Muslims you have Pathana, Punjabis, Shias, Sunnis and so on and among the Hindus you have Brahmins, Vashnavas, Khatris, also Bengalis, Madrasis and so on—will vanish. Indeed if you ask me this has been the biggest hindrance in the way of India to attain its freedom and independence and but for this we would have been free peoples long long ago. No power can hold another nation, and specially a nation of 400 million souls in subjection; nobody could have conquered you, and even if it had happened, nobody could have continued its hold on you for any length of time but for this (Applause). Therefore, we must learn a lesson from this. You are free; you are free to go to your temples, you are free to go to your mosques or to any other places of worship in this State of Pakistan. You may belong to any religion or caste or creed—that has nothing to do with the business of the State (Hear, hear). As you know, history shows that in England conditions sometime ago were much worse than those prevailing in India today. The Roman Catholics and the Protestants persecuted each other. Even now there are some States in existence where there are discriminations made and bars imposed against a particular class. Thank God we are not starting in those days. We are starting in the days when there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another. We are starting with this fundamental principle that we are all citizens and equal citizens of one State (Loud applause). The people of England in course of time had to face the realities of the situation and had to discharge the responsibilities and burdens placed upon them by the Government of their country and they went through that fire step by step. Today you might say with justice that Roman Catholics and Protestants do not exist: what exists now is that every man is a citizen, an equal citizen, of Great Britain and they are all members of the nation.

"Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State".

The Quaid-i-Azam was the founder of Pakistan and the occasion on which he thus spoke was the first landmark in the history of Pakistan. The speech was intended both for his own people including non-Muslims and the world, and its object was to define as clearly as possible the ideal to the attainment of which the new State was to devote all its energies. There are repeated references in this speech to the bitterness of the past and an appeal to forget and change the past and to bury the hatchet. The future subject of the State is to be a citizen with equal rights, privileges and obligations, irrespective of colour, caste, creed or community. The word 'nation' is used more than once and religion is stated to have nothing to do with the business of the State and to be merely a matter of personal faith for the individual.

We asked the *ulama* whether this conception of a State was acceptable to them and everyone of them replied in an unhesitating negative, including the Ahrar and erstwhile Congressites with whom before the Partition this conception was almost a part of their faith. If Maulana Amin Ahsan Islahi's evidence correctly represents the view of Jama'at-i-Islami, a State based on this idea is the creature of the devil, and he is confirmed in this by several writings of his chief, Maulana Abul Ala Maudoodi, the founder of the *jama'at*. None of the *ulama* can tolerate a State which is based on nationalism and all that it implies; with them *millat* and all that it connotes can alone be the determining factor in State activity.

The Quaid-i-Azam's conception of a modern national State, it is alleged, became obsolete with the passing of the Objectives Resolution on 12th March 1949; but it has been freely admitted that this Resolution, though grandiloquent in words, phrases and clauses, is nothing but a hoax and that not only does it not contain even a semblance of the embryo of an Islamic State but its provisions, particularly those relating to fundamental rights, are directly opposed to the principles of an Islamic State.

FOUNDATIONS OF ISLAMIC STATE

What is then the Islamic State of which everybody talks but nobody thinks ? Before we seek to discover an answer to this question, we must have a clear conception of the scope and function of the State.

The *ulama* were divided in their opinions when they were asked to cite some precedent of an Islamic State in Muslim history. Thus, though Hafiz Kifayat Husain, the Shia divine, held out as his ideal the form of Government during the Holy Prophet's time, Maulana Daud Ghaznavi also included in his precedent the days of the Islamic Republic, of Umar bin Abdul Aziz, Salah-ud-Din Ayyubi of Damascus, Sultan Mahmud of Ghazni, Muhammad Tughlaq and Aurangzeb and the present regime in Saudi Arabia. Most of them, however, relied on the form of Government during the Islamic Republic from 632 to 661 A. D., a period of less than thirty years, though some of them also added the very short period of Umar *bin* Abdul Aziz. Maulana Abdul Haamid Badayuni stated that the details of the ideal State would be worked out by the *ulama* while Master Taj-ud-Din Ansari's confused notion of an Islamic State may be gathered from the following portion of his interrogation :—

"*Q*.—Were you also in the Khilafat movement ?
A.—Yes.
Q.—When did the Khilafat movement stop in India ?
A.—In 1923. This was after the Turks had declared their country to be a secular State.
Q.—If you are told that the Khilafat movement continued long after the Turks had abolished Khilafat, will that be correct?
A.—As far as I remember, the Khilafat movement finished with the abolition of the Khilafat by the Turks.
Q.—You are reported to have been a member of the Khilafat movement and having made speeches. Is it correct ?
A.—It could not be correct.
Q.—Was the Congress interested in Khilafat ?
A.— Yes.
Q.—Was Khilafat with you a matter of religious conviction or just a political movement ?
A.— It was purely a religious movement.
Q.— Did the Khilafat movement have the support of Mr. Gandhi ?
A.—Yes.
Q.— What was the object of the Khilafat movement ?
A.— The Britisher was injuring the Khilafat institution in Turkey and the Musalman was aggrieved by this attitude of the Britisher.
Q.— Was not the object of the movement to resuscitate the Khilafat among the Musalmans ?
A.—No.
Q.— Is Khilafat with you a necessary part of Muslim form of Government ?
A.—Yes.
Q.— Are you, therefore, in favour of having a Khilafat in Pakistan ?
A.—Yes.
Q.— Can there be more than one Khalifa of the Muslims ?
A.— No.
Q.— Will the Khalifa of Pakistan be the Khalifa of all the Muslims of the world ?
A.— He should be but cannot be."

Throughout the three thousand years over which political thought extends, and such thought in its early stages cannot be separated from religion, two questions have invariably presented themselves for consideration : —

(1) what are the precise functions of the State ? and
(2) who shall control the State ?

If the true scope of the activities of the State is the welfare, temporal or spiritual or both of the individual, then the first question directly gives rise to the bigger question : What is the object of human life and the ultimate destiny of man ? On this, widely divergent views have prevailed, not at different times but at one and the same time. The pygmies of equatorial West Africa still believe that their God Komba has sent them into the forest to hunt and dance and sing. The Epicureans meant very much the same when they said that the object of human life is to drink and eat and be merry, for death denies such pleasures. The utilitarians base their institutions on the assumption that the object of human life is to experience pleasant sensations of mind and body, irrespective of what is to come hereafter. The Stoics believed in curbing and reducing all physical desires, and Diogenes found a tub good enough to live in. German philosophers think that the individual lives for the State and that therefore the object of life is service of the State in all that it might decide to undertake and achieve. Ancient Hindu philosophers believed in the logic of the fist with its natural consequence, the law of natural selection and the struggle for survival. The Semitic theory of State, whether Jewish, Christian or Islamic, has always held that the object of human life is to prepare ourselves for the next life and that, therefore, prayer and good works are the only object of life. Greek philosophers beginning with Socrates thought that the object of human life was to engage in philosophical meditation with a view to discovering the great truths that lie in nature and that the business of the others is to feed the philosophers engaged in that undertaking. Islam emphasises the doctrine that life in this world is not the only life given to man but that eternal life begins after the present existence comes to an end, and that the status of a human being in the next world will depend upon his beliefs and actions in this world. As the present life is not an end in itself but merely a means to an end, not only the individual but also the State, as opposed to the secular theory which bases all political and economic institutions on a disregard of their consequences on the next life, should strive for human conduct which ensures for a person better status in the next world. According to this theory Islam is the religion which seeks to attain that object. Therefore the question immediately arises : What is Islam and who is a *momin* or a Muslim ? We put this question to the *ulama* and we shall presently refer to their answers to this question. But we cannot refrain from saying here that it was a matter of infinite regret to us that the *ulama* whose first duty should be to have settled views on this subject, were hopelessly disagreed among themselves. Apart from how these learned divines have expressed themselves, we conceive of Islam as a system that covers, as every systematic religion must, the following five topics :—

(1) the dogma, namely, the essentials of belief ;

(2) the cult, namely, religious rites and observances which a person must perform ;

(3) ethics, i. e. rules of moral conduct ;

(4) institutions, social, economic and political ; and

(5) law proper.

The essential basis of the rules on all these subjects is revelation and not reason, though both may coincide. This coincidence, however, is accidental because human reasoning may be faulty and ultimate reason is known only to God, Who sends His message to humanity through His chosen messengers for the direction and guidance of the people. One must, therefore, accept the dogma, observe the cult, follow the ethics, obey the law and establish institutions which God has revealed, though their reason may not be apparent—nay even if they be opposed to human reason. Since an error by God is an impossibility, anything that God has revealed, whether its subject be something occult or preternatural, history, finance, law, worship or something which according to human thought admits of scientific treatment as for instance, birth of man, evolution, cosmology, or astronomy, has got to be accepted as absolute truth. The test of reason is not the acid test and a denial of this amounts to a denial of the supreme wisdom and designs of Allah—it is *kufr*.

Now God has revealed Himself from time to time to His favoured people of whom our Holy Prophet was the last. That revelation is contained in the Qur'an and covers the five topics mentioned above. The true business of a person who believes in Islam is therefore to understand, believe in and act upon that revelation.

The people whom God chooses as medium for the transmission of His messages are *rasuls* (messengers) or *nabis* (prophets). Since every action or saying of a prophet is, in the case of our own Holy Prophet it certainly was, prompted by Allah, it has the same degree of inerrancy as the formal revelation itself, because prophets are *ma'sum*, incapable of doing or saying something which is opposed to Divine wishes. These sayings and actions are *sunna* having the same infallibility as the Qur'an. The record of this *sunna* is *hadith* which is to be found in several books which were compiled by Muslim scholars after long, laborious and careful research extending over several generations.

The word *hadith* means a record of actions or sayings of the Prophet and his companions. At first the *sahaba*. i. e. people who had lived in the society of the Prophet, were the best authority for a knowledge of the *sunna*. Later people had to be content with the communications of the *tabi'un*, i. e. successors, people of the first generation after the Holy Prophet who had received their information from the *sahaba*, and then in the following generations with the accounts of the so-called successors of the successors (*tabi'ul-tabi'un*), i.e. people of the second generation after the Holy Prophet, who had concerted with the successors. *Marfu*' is a tradition which contains a statement about the Prophet ; *mawquf*, a tradition that refers only to the sayings or doings of the *sahaba* ; and *maqtu*' a tradition which does not at most go further back than the first generation after the Holy Prophet and deals only with sayings or doings of *tabi'un*. In some of the *ahadith* the actual word of God is to be found. Any such tradition is designated *Hadith-i-Qudsi* or *Ilahi* as distinguished from an ordinary *Hadith-i-Nabvi*.

A very large portion of sayings ascribed to the Prophet deals with the *ahkam* (legal professions), religious obligations, *halal* and *haram* (what is allowed and forbidden), with ritual purity, laws regarding food and criminal and civil law. Further they deal with dogma, retribution at the Last Judgment, hell and paradise, angels, creation, revelations, the earlier prophets. Many traditions also contain edifying sayings and moral teachings by the Holy Prophet.

The importance of *ahadith* was realised from the very beginning and they were not only committed to memory but in some cases were reduced to writing. The work of compilation of *hadith* began in the third century after the Hijra and the Sihah Sitta were all compiled in that century. These are the *musannifs* of —

(1) Al-Bukhari, died 256/870,
(2) Muslim, died 261/875,
(3) Abu Dawud, died 275/888,
(4) Al-Tirmizi, died 279/892,
(5) All Nasa'i, died 303/915, and
(6) Ibn-i-Maja, died 273/886.

According to modern laws of evidence, including our own, the *ahadith* are inadmissible evidence of *sunna* because each of them contains several links of hearsay, but as authority on law they are admissible *pro prio vigore*. The merit of these collections lies not so much in the fact that (as is often wrongly stated) their authors decided for the first time which of the numerous traditions in circulation were genuine and which false but rather in the fact that they brought together everything that was recognised as genuine in orthodox circles in those days.

The Shias judge *hadith* from their own stand-point and only consider such traditions reliable as are based on the authority of Ali and his adherents. They have, therefore, their own works on the subject and hold the following five works in particularly high esteem —

(1) Al-Kafi of Muhammad b. Yaqub Al-Kulini, died 328/939,

(2) Man La Yastahdiruhu'ul-Fakih of Muhammad b. Ali b. Babuya Al-Kummi, died 381/991,

(3) Tahdib Al-Ahkam,

(4) Al-Istibsar Fi-Ma'khtalafa Fihi'l-Akhbar (extract from the preceding) of Muhammad Altusi, died 459/1067, and

(5) Nahj Al-Balagha (alleged sayings of Ali) of Ali b. Tahir Al-Sharif Al-Murtaza, died 436/1044 (or of his brother Radi Al-Din Al-Baghdadi.)

After the ritual, the dogma and the most important political and social institutions had taken definite shape in the second and third centuries, there arose a certain *communis opinio* regarding the reliability of most transmitters of tradition and the value of their statement. The main principles of doctrine had already been established in the writings of Malik b. Anas, Al-Shafi'i and other scholars regarded as authoritative in different circles and mainly on the authority of traditional sayings of the Holy Prophet. In the long run no one dared to doubt the truth of these traditions and this almost conclusive presumption of truth has since continued to be attached to the *ahadith* compiled in the Sihah Sitta.

We have so far arrived at this result that any rule on any subject that may be derived from the Qur'an or the *sunna* of the Holy Prophet is binding on every Musalman. But since the only evidence of *sunna* is the *hadith*, the words *sunna* and *hadith* have become mixed up with, and indistinguishable from, each other with the result that the expression Qur'an and *hadith* is not infrequently employed where the intention is to refer to Qur'an and *sunna*.

At this stage another principle, equally basic, comes into operation, and that is that Islam is the final religion revealed by God, complete and exhaustive in all respects, and that God will not abrogate, detract from or add to this religion (*din*) any more than He will send a fresh messenger. The *din* having been perfected (*Akmalto lakum dinokum*, Sura V, verse 3), there remains no need for any new code repealing, modifying or amplifying the original code; nor for any fresh messenger or message. In this sense, therefore, prophethood ceased with the Holy Prophet and revelation stopped for ever. This is the doctrine of the cessation of *wahi-i-nubuwwat*.

If the proposition that Muslim dogma, ethics and institutions, etc., are all based on the doctrine of inerrancy, whether such inerrancy lies in the Qur'an, the *sunna*, *ijma*' or *ijtihad-i-mutlaq*, is fully comprehended, the various deductions that follow from it will be easily understandable. As the ultimate test of truth, whether the matter be one of a ritual or political or social or economic nature, is revelation and revelation has to be gathered from the Qur'an, and the *sunna* carries almost the same degree of inerrancy as revelation and the only evidence of *sunna* is *hadith*, the first duty of those who desire to establish an Islamic State will be to discover the precise rule applicable to the existing circumstances whether that rule is to be found in the Qur'an or *hadith*. Obviously the persons most suited for the purpose would be those who have made the Qur'an and *hadith* their life-long study, namely, among the Sunnies, the *ulama*, and among the Shias, the *mujtahids* who are the spokesmen of the hidden Imam, the ruler *de jure divino*. The function of these divines would be to engage themselves in discovering rules applicable to particular situations and they will be engaged in a task similar to that in which Greek philosophers were engaged, with only this difference that whereas the latter thought that all truth lay in nature which had merely to be discovered by individual effort, the *ulama* and the *mujtahids* will have to get at the truth that lies in the holy Book and the books of *hadith*. The *ulama* Board which was recommended by the Basic Principles Committee was a logical recognition of this principle, and the true objection against that Board should indeed have been that the Board was too inadequate a mechanism to implement the principle which had brought that body into existence.

Ijma' means concurrence of the *mujtahids* of the people, i.e., of those who have a right, in virtue of knowledge, to form a judgment of their own, after the death of the Holy Prophet. The authority of *ijma*' rests on the principle of a divine protection against error and is founded on a basal tradition of the Holy Prophet, "My people will never agree in error", reported in Ibn Maja, By this procedure points which had been in dispute were fixed, and when fixed, they became an essential part of the faith and disbelief in them an act of unbelief (*kufr*). The essential point to remember about *ijma*' is that it represents the agreement of the *mujtahids* and that the agreement of the masses is especially excluded. Thus *ijma*' has not only fixed unsettled points but has changed settled doctrines of the greatest importance.

The distinction between *ijma*' and *ijtihad* is that whereas the former is collective, the latter is individual. *Ijtihad* means the exerting of one's self to the utmost degree to form an opinion in a case or as to a rule of law. This is done by applying analogy to the Qur'an and the *sunna*. *Ijtihad* did not originally involve inerrancy, its result being always *zann* or fallible opinion. Only combined *ijtihad* led to *ijma*, and was inerrant. But this broad *ijtihad* soon passed into special *ijtihad* of those who had a peculiar right to form judgments. When later doctors looked back to the founding of the four legal schools, they assigned to their founders an *ijtihad* of the first rank (*ijtihad-i-mutlaq*). But from time to time individuals appeared who returned to the earliest meaning of *ijtihad* and claimed for themselves the right to form their own opinion from first principles. One of these was the Hanbalite Ibn Taimiya (died 728). Another was Suyuti (died 911) in whom the claim to *ijtihad* unites with one to be the mujaddid or renewer of religion in his century. At every time there must exist at least one *mujtahid*, was his contention, just as in every century there must come a *mujaddid*. In Shia Islam there are still absolute *mujtahids* because they are regarded as the spokesmen of the hidden Imam. Thus collective *ijtihad* leads to *ijma*', and the basis of *ijma*' is divine protection against error—inerrancy.

ESSENTIALS OF ISLAMIC STATE

Since the basis of Islamic law is the principle of inerrancy of revelation and of the Holy Prophet, the law to be found in the Qur'an and the *sunna* is above all man-made laws, and in case of conflict between the two, the latter, irrespective of its nature, must yield to the former. Thus, provided there be a rule in the Qur'an or the *sunna* on a matter which according to our conceptions falls within the region of Constitutional Law or International Law, the rule must be given effect to unless that rule itself permits a departure from it. Thus no distinction exists in Islamic law between Constitutional Law and other law, the whole law to be found in the Qur'an and the *sunna* being a part of the law of the land for Muslim subjects of the State. Similarly if there be a rule in the Qur'an or the *sunna* relating to the State's relations with other States or to the relations of Muslim subjects of the State with other States or the subjects of those States, the rule will have the same superiority of sanction as any other law to be found in the Qur'an or the *sunna*. Therefore if Pakistan is or is intended to be converted into an Islamic State in the true sense of the word, its Constitution must contain the following five provisions:—

(1) that all laws to be found in the Qur'an or the *sunna* shall be deemed to be a part of the law of the land for Muslims and shall be enforced accordingly;

(2) that unless the Constitution itself is framed by *ijma'-i-ummat*, namely, by the agreement of the *ulama* and *mujtahids* of acknowledged status, any provision in the Constitution which is repugnant to the Qur'an or *sunna* shall to the extent of the repugnancy be void;

(3) that unless the existing laws of Pakistan are adapted by *ijma'-i-ummat* of the kind mentioned above, any provision in the existing law which is contrary to the Qur'an or *sunna* shall to the extent of the repugnancy be void;

(4) that any provision in any future law which is repugnant to Qur'an or *sunna* shall be void;

(5) that no rule of International Law and no provision in any convention or treaty to which Pakistan is a party, which is contrary to the Qur'an or the *sunna* shall be binding on any Muslim in Pakistan.

SOVEREIGNTY AND DEMOCRACY IN ISLAMIC STATE

That the form of Government in Pakistan, if that form is to comply with the principles of Islam, will not be democratic is conceded by the *ulama*. We have already explained the doctrine of sovereignty of the Qur'an and the *sunna*. The Objectives Resolution rightly recognised this position when it recited that all sovereignty rests with God Almighty alone. But the authors of that Resolution misused the words 'sovereign' and 'democracy' when they recited that the Constitution to be framed was for a sovereign State in which principles of democracy as enunciated by Islam shall be fully observed. It may be that in the context in which they were used, these words could not be misunderstood by those who are well versed in Islamic principles, but both these words were borrowed from western political philosophy and in that sense they were both wrongly used in the Resolution. When it is said that a country is sovereign, the implication is that its people or any other group of persons in it are entitled to conduct the affairs of that country in any way they like and untrammelled by any considerations except those of expediency and policy. An Islamic State, however, cannot in this sense be sovereign, because it will not be competent to abrogate, repeal or do away with any law in the Qur'an or the *sunna*. Absolute restriction on the legislative power of a State is a restriction on the sovereignty of the people of that State and if the origin of this restriction lies elsewhere than in the will of the people, then to the extent of that restriction the sovereignty of the State and its people is necessarily taken away. In an Islamic State, sovereignty, in its essentially juristic sense, can only rest with Allah. In the same way, democracy means the rule of the *demos*, namely, the people, directly by them as in ancient Greece and Rome, or indirectly through chosen representatives as in modern democracies. If the power of the people in the framing of the Constitution or in the framing of the laws or in the sphere of executive action is subject to certain immutable rules, it cannot be said that they can pass any law that they like, or, in the exercise of executive functions, do whatever they like. Indeed if the legislature in an Islamic State is a sort of *ijma*', the masses are expressly disqualified from taking part in it because *ijma'-i-ummat* in Islamic jurisprudence is restricted to *ulama* and *mujtahids* of acknowledged status and does not at all extend, as in democracy, to the populace.

OTHER INCIDENTS OF ISLAMIC STATE ACCORDING TO ULAMA

In the preceding pages we have attempted to state as clearly as we could the principles on which a religious State must be built if it is to be called an Islamic State. We now proceed to state some incidents of such State, with particular reference to the *ulamas*' conception of it.

LEGISLATURE AND LEGISLATION

Legislature in its present sense is unknown to the Islamic system. The religio-political system which is called *din-i-Islam* is a complete system which contains in itself the mechanism for discovering and applying law to any situation that may arise. During the Islamic Republic there was no legislature in its modern sense and for every situation or emergency that arose law could be discovered and applied by the *ulama*. The law had been made and was not to be made, the only function of those entrusted with the administration of law being to discover the law for the purposes of the particular case, though when enunciated and applied it formed a precedent for others to follow. It is wholly incorrect, as has been suggested from certain quarters, that in a country like Pakistan, which consists of different communities, Muslim and non-Muslim, and where representation is allowed to non-Muslims with a right to vote on every subject that comes up, the legislature is a form of *ijma*' or *ijtihad*, the reason being that *ijtihad* is not collective but only individual, and though *ijma*' is collective, there is no place in it for those who are not experts in the knowledge of the law. This principle at once rules out the infidels (*kuffar*) whether they be people of Scriptures (*ahl-i-kitab*) or idolators (*mushrikeen*).

Since Islam is a perfect religion containing laws, express or derivable by *ijma*' or *ijtihad*, governing the whole field of human activity, there is in it no sanction for what may, in the modern sense, be called legislation. Questioned on this point Maulana Abul Hasanat, President, Jami'at-ul-Ulama-i-Pakistan says :—

> "*Q*.—Is the institution of legislature as distinguished from the institution of a person or body of persons entrusted with the interpretation of law, an integral part of an Islamic State?
>
> *A*.—No. Our law is complete and merely requires interpretation by those who are experts in it. According to my belief no question can arise the law relating to which cannot be discovered from the Qur'an or the *hadith*.
>
> *Q*.—Who were Sahib-ul-hall-i-wal-aqd
>
> *A*.—They were the distinguished *ulama* of the time. These persons attained their status by reason of the knowledge of the law. They were not in any way analogous or similar to the legislature in modern democracy."

The same view was expressed by Amir-i-Shari'at Sayyad Ata Ullah Shah Bukhari in one of his speeches reported in the 'Azad' of 22nd April, 1947, in the course of which he said that our *din* is complete and perfect and that it amounts to *kufr* to make more laws. Maulana Abul Ala Maudoodi, however, is of the opinion that legislation in the true sense is possible in an Islamic State on matters which are not covered by the Qur'an, the *sunna*, or previous *ijma*' and he has attempted to explain his point by reference to the institution of a body of persons whom the Holy Prophet, and after him the *khulafa* consulted on all matters relating to affairs of State. The question is one of some difficulty and great importance because any institution of legislature will have to be reconciled with the claim put forward by Maulana Abul Hasanat and some other religious divines that Islam is a perfect and exhaustive code wide enough to furnish an answer to any question that may arise relating to any human activity, and that it does not know of any "unoccupied field" to be filled by fresh legislation. There is no doubt that Islam enjoins consultation and that not only the Holy Prophet but also the first four caliphs and even their successors resorted to consultation with the leading men of the time, who for their knowledge of the law and piety could well be relied upon. In the inquiry not much has been disclosed about the Majlis-i-Shura except what is contained in Maulana Abul Ala Maudoodi's written statement which he supplied to the Court at its request. That there was a body of men who were consulted is true, but whether this was a standing body and whether its advice had any legal or binding force, seems somewhat doubtful. These men were certainly not elected in the modern way, though their representative character cannot be disputed. Their advice was certainly asked *ad hoc*, but that they were competent to make law as the modern legislatures make laws is certainly not correct. The decisions taken by them undoubtedly served as precedents and were in the nature of *ijma*', which is not legislation but the application of an existing law to a particular case. When consulted in affairs of State, their functions were truly in the nature of an advice given by a modern cabinet but such advice is not law but only a decision.

Nor can the legislature in a modern State correspond to *ijma*' because as we have already pointed out, the legislature legislates while the *ulama* of Majlis-i-Shura who were called upon to determine what should be the decision on a particular point which was not covered by the Qur'an and the *sunna*, merely sought to discover and apply the law and not to promulgate the law, though the decision when taken had to be taken not only for the purposes of the particular case but for subsequent occasions as a binding precedent. An intriguing situation might arise if the Constitution Act provided that any provision of it, if it was inconsistent with the Qur'an or the *sunna*, would be void, and the *intra vires* of a law made by the legislature were questioned before the Supreme Court on the ground that the institution of legislature itself was contrary to the Qur'an and the *sunna*.

POSITION OF NON-MUSLIMS

The ground on which the removal of Chaudhri Zafrullah Khan and other Ahmadis occupying key positions in the State is demanded is that the Ahmadis are non-Muslims and that therefore like *zimmies* in an Islamic State they are not eligible for appointment to higher offices in the State. This aspect of the demands has directly raised a question about the position of non-Muslims in Pakistan if we are to have an Islamic Constitution. According to the leading *ulama* the position of non-Muslim in the Islamic State of Pakistan will be that of *zimmies* and they will not be fell citizen of Pakistan because they will not have the same rights as Muslims They will have no voice in the making of the law, no right to administer the law and no right to hold Public offices. A full statement of this position will be found in the evidence of Maulana Abul Hasanat Sayyad Muhammad Ahmad Qadri, Maulana Ahmad Ali, Mian Tufail Muhammad and Maulana Abdul

Haamid Badayuni. Maulana Abul Hasanat on being questioned on the subject stated as follows :—

> "*Q.*—If we were to have an Islamic State in Pakistan, what will be the position of the *kuffar* (non-Muslims)? Will they have a voice in the making of laws, the right of administering the law and the right to hold public offices?
>
> *A.*—Their position will be that of *zimmies*. They will have no voice in the making of laws, no right to administer the law and no right to hold public offices.
>
> *Q.*—In an Islamic State can the head of the State delegate any part of his powers to *kuffar* ?
>
> *A.*—No."

Maulana Ahmad Ali, when questioned, said:—

> "*Q.*—if we were to have an Islamic State in Pakistan, what will be the position of the *kuffar*? Will they have a hand in the making of the law, the right to administer the law and the right to hold public offices ?
>
> *A.*—Their position will be that of *zimmies*. They will have no say in the making of law and no right to administer the law. Government may, however, permit them to hold any public office".

Mian Tufail Muhammad stated as follows :—

> "*Q.*—Read the article on minorities' rights in the 'Civil and Military Gazette' of 13th October, 1953, and say whether it correctly represents your view of an Islamic State? (It was stated in the articles that minorities would have the same rights as Muslims).
>
> *A.*—I have read this article and do not acknowledge these rights for the Christians or other non-Muslims in Pakistan if the State is founded on the ideology of the Jama'at".

The confusion on this point in the mind of Maulana Abdul Haamid Badayuni, President, Jami'at-ul-Ulama-i-Pakistan, is apparent from the following: —

> "*Q.*—Have you ever read the aforesaid speech (the speech of the Quaid-i-Azam to the Constituent Assembly of Pakistan on 11th August, 1947)?
>
> *A.*—Yes, I have read that speech.
>
> *Q.*—Do you still agree with the conception of Pakistan that the Quaid-i-Azam presented to the Constituent Assembly in this speech in which he said that thereafter there would be only one Pakistan nation, consisting of Muslims and non-Muslims, having equal civic rights, without any distinction of race, religion or creed and that religion would be merely a private affair of the individual ?

A.—I accept the principle that all communities, whether Muslims or non-Muslims, should have, according to their population, proper representation in the administration of the State and legislation, except that non-Muslims cannot be taken in the army or the judiciary or be appointed as Ministers or to other posts involving the reposing of confidence.

Q.—Are you suggesting that the position of non-Muslims would be that of *zimmies* or any better ?

A.—No. By *zimmies* are meant non-Muslim people of lands which have been conquered by an Islamic State, and the word is not applicable to non-Muslim minorities already living in an Islamic State. Such minorities are called *mu'ahids*, i.e. those people with whom some agreement has been made.

Q.—What will be their status if there is no agreement with them ?

A.—In that case such communities cannot have any rights of citizenship.

Q.—Will the non-Muslim communities inhabiting Pakistan be called by you as *mu'ahids*?

A.—No, not in the absence of an agreement with them. To my knowledge there is no such agreement with such communities in Pakistan."

So, according to the evidence of this learned divine, the non-Muslims of Pakistan will neither be citizens nor will they have the status of *zimmies* or of *mu'ahids*.

During the Islamic Republic, the head of the State, the *khalifa*, was chosen by a system of election, which was wholly different from the present system of election based on adult or any other form of popular suffrage. The oath of allegiance (*ba'it*) rendered to him possessed a sacramental virtue, and on his being chosen by the consensus of the people (*ijma'-ul-ummat*) he became the source of all channels of legitimate Government. He and he alone then was competent to rule, though he could delegate his powers to deputies and collect around him a body of men of outstanding piety and learning, called Majlis-i-Shura or Ahl-ul-Hall-i-wal-Aqd. The principal feature of this system was that the *kuffar*, for reasons which are too obvious and need not be stated, could not be admitted to this *majlis* and the power which had vested in the *khalifa* could not be delegated to the *kuffar*. The *khalifa* was the real head of the State, all power vesting in him and not a powerless individual like the President of a modern democratic State who is merely to sign the record of decisions taken by the Prime Minister and his Cabinet. He could not appoint non-Muslims to important posts, and could give them no place either in the interpretation or the administration of the law, the making of the law by them, as already pointed out, being a legal impossibility.

This being the position, the State will have to devise some machinery by which the distinction between a Muslim and a non-Muslim may be determined and its consequences enforced. The question, therefore, whether a person is or is not a Muslim will be of fundamental importance, and it was for this reason that we asked most of the leading *ulama*, to give their definition of a Muslim, the point being that if the *ulama* of the various sects believed the Ahmadis to be *kafirs*, they must have been quite clear in their minds not only about the grounds of such belief but also about the definition of a Muslim because the claim that a certain person or community is not within the pale of Islam implies on the part of the claimant an exact conception of what a Muslim is. The result of this part of the inquiry, however, has been anything but satisfactory, and if considerable confusion exists in the minds of our *ulama* on such a simple matter, one can easily imagine what the differences on more complicated matters will be. Below we reproduce the definition of a Muslim given by each *alim* in his own words. This definition was asked after it had been clearly explained to each witness that he was required to give the irreducible minimum conditions which, a person must satisfy to be entitled to be called a Muslim and that the definition was to be on the principle on which a term in grammar is defined. Here is the result : —

Maulana Abul Hasanat Muhammad Ahmad Qadri, President, Jami'at-ul-Ulama-i-Pakistan —

"*Q.*— What is the definition of a Muslim ?

A — (1) He must believe in the Unity of God.

(2) He must believe in the prophet of Islam to be a true prophet as well as in all other prophets who have preceded him,

(3) He must believe in the Holy Prophet of Islam as the last of the prophets (*khatam-un-nabiyin*).

(4) He must believe in the Qur'an as it was revealed by God to the Holy Prophet of Islam.

(5) He must believe as binding on him the injunctions of the Prophet of Islam.

(6) He must believe in the *qiyamat*.

Q.—Is a *tarik-us-salat* a Muslim ?

A.—Yes, but not a *munkir-us-salat*"

Maulana Ahmad Ali, President, Jami'at-ul-Ulama-i-Islam, Maghribi Pakistan —

"*Q.*— Please define a Muslim ?

A.—A person is a Muslim if he believes (1) in the Qur'an and (2) what has been said by the prophet. Any person who possesses these two qualifications is entitled to be called a Muslim without his being required to believe in anything more or to do anything more."

Maulana Abul Ala Maudoodi, Amir Jama'at-i-Islami —

"*Q.*—Please define a Muslim ?

A.—A person is a Muslim if he believes (1) in *tauheed*, (2) in all the prophets (*ambiya*), (3) all the books revealed by God, (4) in *mala'ika* (angels), and (5) *yaum-ul-akhira* (the Day of Judgment).

Q.—Is a mere profession of belief in these articles sufficient to entitle a man to call himself a Musalman and to be treated as a Musalman in an Islamic State ?

A.—Yes.

Q.—If a person says that he believes in all these things, does any one have a right to question the existence of his belief ?

A.—The five requisites that I have mentioned above are fundamental and any alteration in anyone of these articles will take him out of the pale of Islam."

Ghazi Siraj-ud-Din Munir—

"Q.—Please define a Muslim ?

A.—I consider a man to be a Muslim if he professes his belief in the *kalima*, namely, La Ilaha Illalah-o-Muhammad-ur-Rasulullah, and leads a life in the footsteps of the Holy Prophet."

Mufti Muhammad Idris, Jamia Ashrafia, Nila Gumbad, Lahore—

"*Q.*—Please give the definition of a Musalman ?

A.—The word 'Musalman' is a Persian one. There is a distinction between the word 'Musalman' which is a Persian word for Muslim and the word 'momin'. It is impossible for me to give a complete definition of the word 'momin'. I would require pages and pages to describe what a momin is. A person is a Muslim who professes to be obedient to Allah. He should believe in the Unity of God, prophethood of the *ambiya* and in the Day of Judgment. A person who does not believe in the *azan* or in the *qurbani* goes outside the pale of Islam. Similarly, there are a large number of other things which have been received by *tavatir* from our prophet. In order to be a Muslim, he must believe in all these things. It is almost impossible for me to give a complete list of such things."

Hafiz Kifayat Hussain, Idara-i-Haquq-i-Tahaffuz-i-Shia—

"*Q.*—Who is a Musalman?

A.—A person is entitled to be called a Musalman if he believes in (1) *tauheed*, (2) *nubuwwat* and (3) *qiyamat*. These are the three fundamental beliefs which a person must profess to be called a Musalman. In regard to these three basic doctrines there is no difference between the Shias and the Sunnies. Besides the belief in these three doctrines, there are other things called '*zarooriyat-i-din*' which a person must comply with in order to be entitled to be called a Musalman. These will take me two days to define and enumerate. But as an illustration I might state that the respect for the Holy Book, *wajoob-i-nimaz*, *wajoob-i-roza*, *wajoob-i-hajj-ma'a-sharait*, and other things too numerous to mention, are among the '*zarooriyat-i-din*' "

Maulana Abdul Hamid Badayuni, President, Jami'at-ul-Ulama-i-Pakistan :

"*Q.*—Who is a Musalman according to you ?

A.—A person who believes in the *zarooriyat-i-din* is called a *momin* and every *momin* is entitled to be called a Musalman.

Q.—What are these *zarooriyat-i-din* ?

A.—A person who believes in the five pillars of Islam and who believes in the *rasalat* of our Holy Prophet fulfils the *zarooriyat-i-din*.

Q.—Have other actions, apart from the five *arakan*, anything to do with a man being a Muslim or being outside the pale of Islam?

(Note—Witness has been explained that by actions are meant those rules of moral conduct which in modern society are accepted as correct.)

A.—Certainly.

Q.—Then you will not call a person a Muslim who believes in *arakan-i-khamsa* and the *rasalat* of the prophet but who steals other peoples' things, embezzles property entrusted to him, has an evil eye on his neighbour's wife and is guilty of the grossest ingratitude to his benefector?

A.—Such a person, if he has the belief already indicated, will be a Muslim despite all this".

Maulana Muhammad Ali Kandhalvi, Darush-Shahabia, Sialkot —

"*Q.*—Please define a Musalman?

A.—A person who in obedience to the commands of the prophet performs all the *zarooriyat-i-din* is a Musalman.

Q.—Can you define *zarooriyat-i-din* ?

A.—*Zarooriyat-i-din* are those requirements which are known to every Muslim irrespective of his religious knowledge.

Q.—Can you enumerate *zarooriyat-i-din* ?

A.—These are too numerous to be mentioned. I myself cannot enumerate these *zarooriyat*. Some of the *zarooriyat-i-din* may be mentioned as *salat*, *saum*, etc."

Maulana Amin Ahsan Islahi —

"*Q.*—Who is a Musalman?

A.—There are two kinds of Musalmans, a political (*siyasi*) Musalman and a real (*haqiqi*) Musalman. In order to be called a political Musalman, a person must:

(1) believe in the Unity of God,
(2) believe in our Holy Prophet being khatam-un-nabiyin, i.e., 'final authority' in all matters relating to the life of that person,
(3) believe that all good and evil comes from Allah,
(4) believe in the Day of Judgment,
(5) believe in the Qur'an to be the last book revealed by Allah,

(6) perform the annual pilgrimage to Mecca,
(7) pay the *zaka'at*,
(8) say his prayers like the Musalmans,
(9) observe all apparent rules of Islami *mu'ashira*, and
(10) observe the fast (*saum*).

If a person satisfies all these conditions he is entitled to the rights of a full citizen of an Islamic State. If any one of these conditions is not satisfied, the person concerned will not be a political Musalman. (Again said) It would be enough for a person to be a Musalman if he merely professes his belief in these ten matters irrespective of whether he puts them into practice or not.

In order to be a real Musalman, a person must believe in and act on all the injunctions by Allah and his prophet in the manner in which they have been enjoined upon him.

Q.—Will you say that only the real Musalman is '*mard-i-saleh*' ?

A.—Yes.

Q.—do we understand you aright that in the case of what you have called a political (*siyasi*) Musalman, belief alone is necessary, while in the case of a *haqiqi* Musalman there must not only be belief but also action?

A.—No, you have not understood me aright. Even in the case of a political (*siyasi*) Musalman action is necessary but what I mean to say is that if a person does not act upon the belief that is necessary in the case of such a Musalman, he will not be outside the pale of a political (*siyasi*) Musalman.

Q.—If a political (*siyasi*) Musalman does not believe in things which you have stated to be necessary, will you call such a person *be-din* ?

A.—No, I will call him merely *be-amal*".

The definition by the Sadr Anjuman Ahmadiya, Rabwah, in its written statement is that a Muslim is a person who belongs to the *ummat* of the Holy Prophet and professes belief in *kalima-i-tayyaba*.

Keeping in view the several definitions given by the *ulama*, need we make any comment except that no two learned divines are agreed on this fundamental. If we attempt our own definition as each learned divine has done and that definition differs from that given by all others, we unanimously go out of the fold of Islam. And if we adopt the definition given by any one of the *ulama*, we remain Muslims according to the view of that *alim* but *kafirs* according to the definition of every one else.

APOSTASY

Apostasy in an Islamic State is punishable with death. On this the *ulama* are practically unanimous (*vide* the evidence of Maulana Abul Hasanat Sayyad Muhammad Ahmad Qadri, President, Jami'at-ul-Ulama-i-Pakistan, Punjab; Maulana Ahmad Ali, Sadr

Jami'at-ul-Ulama-i-Islam, West Pakistan; Maulana Abul Ala Maudoodi, founder and ex-Amir-i-Jama'at-i-Islami, Pakistan; Mufti Muhammad Idris, Jami'Ashrafia, Lahore, and Member, Jami'at-ul-Ulama-i-Pakistan; Maulana Daud Ghaznavi, President, Jami'at-i-Ahl-i-Hadith, Maghribi Pakistan; Maulana Abdul Haleem Qasimi, Jami'at-ul-Ulama-i-Islam, Punjab; and Mr. Ibrahim Ali Chishti). According to this doctrine, Chaudhri Zafrullah Khan, if he has not inherited his present religious beliefs but has voluntarily elected to be an Ahmadi, must be put to death. And the same fate should befall Deobandis and Wahabis, including Maulana Muhammad Shafi Deobandi, Member, Board of Talimat-i-Islami attached to the Constituent Assembly of Pakistan, and Maulana Daud Ghaznavi, if Maulana Abul Hasanat Sayyad Muhammad Ahmad Qadri or Mirza Raza Ahmad Khan Barelvi, or any one of the numerous *ulama* who are shown perched on every leaf of a beautiful tree in the *fatwa*, Ex. D. E. 14, were the head of such Islamic State. And if Maulana Muhammad Shafi Deobandi were the head of the State, he would exclude those who have pronounced Deobandis as *kafirs* from the pale of Islam and inflict on them the death penalty if they come within the definition of *murtadd*, namely, if they have changed and not inherited their religious views.

The genuineness of the *fatwa*, Ex. D. E. 13, by the Deobandis which says that Asna Ashari Shias are *kafirs* and *murtadds*, was questioned in the course of enquiry, but Maulana Muhammad Shafi made an inquiry on the subject from Deoband, and received from the records of that institution the copy of a *fatwa* signed by all the teachers of the Darul Uloom including Maulana Muhammad Shafi himself which is to the effect that those who do not believe in the *sahabiyyat* of Hazrat Siddiq Akbar and who are *qazif* of Hazrat Aisha Siddiqa and have been guilty of *tehrif* of Qur'an are *kafirs*. This opinion is also supported by Mr. Ibrahim Ali Chishti who has studied and knows his subject. He thinks the Shias are *kafirs* because they believe that Hazrat Ali shared the prophethood with our Holy Prophet. He refused to answer the question whether a person who being a Sunni changes his view and agrees with the Shia view would be guilty of *irtidad* so as to deserve the death penalty. According to the Shias all Sunnis are *kafirs*, and Ahl-i-Qur'an; namely, persons who consider *hadith* to be unreliable and therefore not binding, are unanimously *kafirs* and so are all independent thinkers. The net result of all this is that neither Shias nor Sunnis nor Deobandis nor Ahl-i-Hadith nor Barelvis are Muslims and any change from one view to the other must be accompanied in an Islamic State with the penalty of death if the Government of the State is in the hands of the party which considers the other party to be *kafirs*. And it does not require much imagination to judge of the consequences of this doctrine when it is remembered that no two *ulama* have agreed before us as to the definition of a Muslim. If the constituents of each of the definitions given by the *ulama* are given effect to, and subjected to the rule of 'combination and permutation' and the form of charge in the Inquisition's sentence on Galileo is adopted *mutatis mutandis* as a model, the grounds on which a person may be indicted for apostasy will be too numerous to count.

In an earlier part of the report we have referred to the proscription of the 'Ash-shahab', a pamphlet written by Maulana Shabbir Ahmad Usmani who later became Sheikh-ul-Islam-i-Pakistan. In that pamphlet the Maulana had attempted to show from the

Qur'an, the *sunna*, the *ijma*' and *qayas* that in Islam the punishment for apostasy (*irtidad*) simpliciter is death. After propounding the theological doctrine the Maulana had made in that document a statement of fact that in the time of the Caliph Siddiq-i-Akbar and the subsequent Caliphs vast areas of Arabia became repeatedly red with the blood of apostates. We are not called upon to express any opinion as to the correctness or otherwise of this doctrine but knowing that the suggestion to the Punjab Government to proscribe this pamphlet had come from the Minister for the Interior we have attempted to inquire of ourselves the reasons for Government's taking a step which *ex hypothesi* amounted to condemning a doctrine which the Maulana had professed to derive from the Qur'an and the *sunna*. The death penalty for *irtidad* has implications of a far-reaching character and stamps Islam as a religion of fanatics, which punishes all independent thinking. The Qur'an again and again lays emphasis on reason and thought, advises toleration and preaches against compulsion in religious matters but the doctrine of *irtidad* as enunciated in this pamphlet strikes at the very root of independent thinking when it propounds the view that anyone who, being born a Muslim or having embraced Islam, attempts to think on the subject of religion with a view, if he comes to that conclusion, to choose for himself any religion he likes, has the capital penalty in store for him. With this implication Islam becomes an embodiment of complete intellectual paralysis. And the statement in the pamphlet that vast areas of Arabia were repeatedly bespattered with human blood, if true, could only lend itself to this inference that even when Islam was at the height of its splendour and held absolute sway in Arabia there were in that country a large number of people who turned away from that religion and preferred to die than to remain in that system. It must have been some such reaction of this pamphlet on the mind of the Minister for the Interior which prompted him to advise the Punjab Government to proscribe the pamphlet. Further the Minister who was himself well-versed in religious matters must have thought that the conclusion drawn by the author of the pamphlet which was principally based on the precedent mentioned in paras. 26, 27 and 28 of the Old Testament and which is only partially referred to in the Qur'an in the 54th verse of the Second Sura, could not be applicable to apostasy from Islam and that therefore the author's opinion was in fact incorrect, there being no express text in the Qur'an for the death penalty for apostasy. On the contrary each of the two ideas, one underlying the six brief verses of Surat-ul-Kafiroon and the other the *La Ikrah* verse of the second Sura, has merely to be understood to reject as erroneous the view propounded in the 'Ash-Shahab'. Each of the verses in Surat-ul-Kafiroon which contains thirty words and no verse of which exceeds six words, brings out a fundamental trait in man engrained in him since his creation while the *La Ikrah* verse, the relevant portion of which contains only nine words, states the rule of responsibility of the mind with a precision that cannot be surpassed. Both of these texts which are an early part of the Revelation are, individually and collectively, the foundation of that principle which human society, after centuries of conflict, hatred and bloodshed, has adopted in defining one of the most important fundamental rights of man. But our doctors would never dissociate chauvinism from Islam.

PROPAGATION OF OTHER RELIGIONS

Closely allied to the punishment for apostasy is the right of non-Muslims publicly to preach their religion. The principle which punishes an apostate with death must be applicable to public preaching of *kufr* and it is admitted by Maulana Abul Hasanat, Ghazi Siraj-ud-Din Munir and Master Taj-ud-Din Ansari, though the last subordinates his opinion to the opinion of the *ulama*, that any faith other than Islam will not be permitted publicly to be preached in the State. And Maulana Abul Ala Maudoodi, as will appear from his pamphlet 'Punishment in Islam for an apostate', has the same views on the subject. Ghazi Siraj-ud-Din Munir, when questioned on this point, replied :—

> "*Q.*—What will you do with them (Ahmadis) if you were the head of the Pakistan State ?
>
> *A.*—I would tolerate them as human beings but will not allow them the right to preach their religion".

The prohibition against public preaching of any non-Muslim religion must logically follow from the proposition that apostasy will be punished with death and that any attack on, or danger to Islam will be treated as treason and punished in the same way as apostasy.

JIHAD

Earlier we have pointed out that one of the doctrines on which the Musalmans and Ahmadis are at variance is that of *jihad*. This doctrine at once raises a host of other allied matters such as the meanings of *ghazi*, *shahid*, *jihad-bis-saif*, *jihad fi sabili'llah*, *dar-ul-Islam*, *dar-ul-harb*, *hijrat*, *ghanima*, *khums* and slavery, and the conflict or reconciliation of these conceptions with modern international problems such as aggression, genocide, international criminal jurisdiction, international conventions and rules of public international law.

An Islamic State is *dar-ul-Islam*, namely, a country where ordinances of Islam are established and which is under the rule of a Muslim sovereign. Its inhabitants are Muslims and also non-Muslims who have submitted to Muslim control and who under certain restrictions and without the possibility of full citizenship are guaranteed their lives and property by the Muslim State. They must, however, be people of Scriptures and may not be idolaters. An Islamic State is in theory perpetually at war with the neighbouring non-Muslim country, which at any time may become *dar-ul-harb*, in which case it is the duty of the Muslims of that country to leave it and to come over to the country of their brethren in faith. We put this aspect to Maulana Abul Ala Maudoodi and reproduce his views :—

> "*Q.*—is a country on the border of *dar-ul-Islam* always *qua* an Islamic State in the position of *dar-ul-harb* ?
>
> *A.*—No. In the absence of an agreement to the contrary, the Islamic State will be potentially at war with the non-Muslim neighbouring country. The non-Muslim country acquires the status of *dar-ul-harb* only after the Islamic State declares a formal war against it".

According to Ghias-ul-Lughat, *dar-ul-harb* is a country belonging to infidels which has not been subdued by Islam, and the consequences of a country becoming *dar-ul-harb* are thus stated in the Shorter Encyclopaedia of Islam :—

> "When a country does become a *dar-ul-harb*, it is the duty of all Muslims to withdraw from it, and a wife who refuses to accompany her husband in this, is *ipso facto* divorced".

Thus in case of a war between India and Pakistan, if the latter is an Islamic State, we must be prepared to receive forty million Muslims from across the border into Pakistan. In fact, Maulana Abdul Haamid Badayuni, President, Jami'at-ul-Ulama-i-Pakistan, thinks that a case for *hijrat* already exists for the Musalmans of India. The following is his view on this subject :—

> "*Q.*—Do yon call your migration to Pakistan as *hijrat* in the religious sense ?
>
> *A.*—Yes".

We shall presently point out why Mirza Ghulam Ahmad's version of the doctrine of *jihad* is relied on as a ground for his and his community's *kufr*, but before we do that it is necessary first to state how *jihad* has been or is understood by the Musalmans. There are various theories about *jihad* which vary from the crude notion of a megalomaniac moved by religious frenzy going out armed with sword and indiscriminately slaughtering non-Muslims in the belief that if he dies in the combat he becomes a *shahid* and if he succeeds in killing attains the status of a *ghazi*, to the conception that a Musalman throughout his life is pitted against *kufr*, *kufr* here being used in the sense of evil and wrong, and that his principal activity in life is to strive by argument a where necessary by force to spread Islam until it becomes a world religion. In the latter case he fights not for any personal end but because he considers such strife as a duty and an obligation which he owes to Allah and the only recompense for which is the pleasure of Allah. The Shorter Encyclopedia of Islam contains the following brief article on *djihad* :—

> "DJIHAD (A), holy war. The spread of Islam by arms is a religious duty upon Muslims in general. It narrowly escaped being a sixth *rukn*, or fundamental duty, and is indeed still so regarded by the descendants of the *Kharidjis*. This position was reached gradually but quickly. In the Meccan Suras of the Qur'an patience under attack is taught ; no other attitude was possible. But at Medina the right to repel attack appears, and gradually it became a prescribed duty to fight against and subdue the hostile Meccans. Whether Muhammad himself recognised that his position implied steady and unprovoked war against the unbelieving world until it was subdued to Islam may be in doubt. Traditions are explicit on the point ; but the Qur'anic passages speak always of the unbelievers who are to be subdued as dangerous or faithless. Still, the story of his writing to the powers around him shows that such a universal position was implicit in his mind, and it certainly developed immediately after his death, when the Muslim armies advanced out of Arabia. It is now a *fard ala'l-kifaya*, a duty in

> general on all male, free, adult Muslims, sane in mind and body and having means enough to reach the Muslim army, yet not a duty necessarily incumbent on every individual but sufficiently performed when done by a certain number. So it must continue to be done until the whole world is under the rule of Islam. It must be controlled or headed by a Muslim sovereign or *imam*. As the *imam* of the Shias is now invisible, they cannot have a *djihad* until he reappears. Further, the requirement will be met if such a sovereign makes an expedition once a year, or, even, in the later view, if he makes annual preparation for one. The people against whom the *djihad* is directed must first be invited to embrace Islam. On refusal they have another choice. They may submit to Muslim rule, become *dhimmis* (q. v.) and pay *djizya* and *kharadj* (q. v.) or fight. In the first case, their lives, families and property are assured to them, but they have a definitely inferior status, with no technical citizenship, and a standing only as protected wards. If they fight, they and their families may be enslaved and all their property seized as booty, four-fifths of which goes to the conquering army. If they embrace Islam, and it is open to them to do so even when the armies are face to face, they become part of the Muslim community with all its rights and duties. Apostates must be put to death. But if a Muslim country is invaded by unbelievers, the *imam* may issue a general summons calling all Muslims there to arms, and as the danger grows so may be the width of the summons until the whole Muslim world is involved. A Muslim who dies fighting in the path of Allah (*fi sabil Allah*) is martyr (*shahid*) and is assured of Paradise and of peculiar privileges there. Such a death was, in the early generations, regarded as the peculiar crown of a pious life. It is still, on occasions, a strong incitement, but when Islam ceased to conquer it lost its supreme value. Even yet, however, any war between Muslims and non-Muslims must be a *djihad* with its incitements and rewards. Of course, such modern movements as the so-called *Mu'tazili* in India and the Young Turk in Turkey reject this and endeavour to explain away its basis; but the Muslim masses still follow the unanimous voice of the canon lawyers. Islam must be completely made over before the doctrine of *djihad* can be eliminated".

The generally accepted view is that the fifth verse to Sura-i-Tauba (Sura IX) abrogated the earlier verses revealed in Mecca which permitted the killing of *kuffar* only in self-defence. As against this the Ahmadis believe that no verso in the Qur'an was abrogated by another verse and that both sets of verses, namely, the Meccan verses and the relative verses in Sura-i-Tauba have different scopes and can stand together. This introduces the difficult controversy of *nasikh* and *mansukh*, with all its implications. It is argued on behalf of the Ahmadis that the doctrine of *nasikh* and *mansukh* is opposed to the belief in the existence of an original Scripture in Heaven, and that implicit in this doctrine is the admission that unless the verse alleged to be repealed was meant for a specific occasion and by the coming of that occasion fulfilled its purpose and thus spent itself, God did not know of the subsequent circumstances which would make the earlier verse inapplicable or lead to an undesired result. The third result of this doctrine, it is pointed out, cuts at the very root of the claim that laws of Islam are immutable and inflexible because if changed circumstances made a new revelation necessary, any change in the circumstances subsequent to the completion of the revelation would make most of the revelation otiose or obsolete. We are wholly incompetent to pronounce on the merits of this controversy but what has to be pointed out is the result to which the doctrine of *jihad* will lead if, as appears from the article in the Shorter Encyclopaedia of Islam and other writings produced before us including one by Maulana Abul Ala Maudoodi and another by Maulana Shabbir Ahmad Usmani, it involves the spread of Islam by arms and conquest. 'Aggression' and 'genocide' are now offences against humanity for which under sentences pronounced by different International tribunals at Nuremburg and Tokio the war lords of Germany and Japan had to forfeit their lives, and there is hardly any difference between the offences of aggression and genocide on the one hand and the doctrine of spread of Islam by arms and conquest on the other. An International Convention on genocide is about to be concluded but if the view of *jihad* presented to us is correct, Pakistan cannot be a party to it. And while the following verses in the Mecca Suras :—

Sura II, *verses* 190 *and* 193 :

190. "Fight in the Cause of God
Those who fight you,
But do not transgress limits ;
For God loveth not transgressors".

193. "And fight them on
Until there is no more
Tumult or oppression,
And there prevail
Justice and faith in God ;
But if they cease,
Let there be no hostility
Except to those
Who practise oppression".

Sura XXII, *verses* 39 *and* 40:

39. "To those against whom
War is made, permission
Is given (to fight) because
They are wronged;— and verily,
God is most Powerful
For their aid;—"

40. “(They are) those who have
Been expelled from their homes
In defiance of right,—
(For no cause) except
That they say, ‘Our Lord
Is God.’ Did not God
Check one set of people
By means of another,
There would surely have been
Pulled down monasteries, churches,
Synagogues, and mosques, in which
The name of God is commemorated
In abundant measure. God will
Certainly aid those who
Aid His (cause);—for verily
God is Full of Strength,
Exalted in Might,
(Able to enforce His Will),”

contain in them the sublime principle which international jurists have only faintly begun to discover, we must go on preaching that aggression is the chief characteristic of Islam.

The law relating to prisoners of war is another branch of Islamic law which is bound to come in conflict with International Law. As for instance, in matters relating to the treatment of prisoners of war, we shall have to be governed by Maulana Abul Ala Maudoodi’s view, assuming that view is based on the Qur’an and the *sunna*, which is as follows :—

“*Q.*—Is there a law of war in Islam?
A.—Yes.

Q.—Does it differ fundamentally from the modern International Law of war?
A.—These two systems are based on a fundamental difference.

Q.—What rights have non-Muslims who are taken prisoners of war in a *jihad*?
A.—The Islamic law on the point is that if the country of which these prisoners are nationals pays ransom, they will be released. An exchange of prisoners is also permitted. If neither of these alternatives is possible, the prisoners will be converted into slaves for ever. If any such person makes an offer to pay his ransom out of his own earnings, he will be permitted to collect the money necessary for the *fidya* (ransom).

Q.—Are you of the view that unless a Government assumes the form of an Islamic Government, any war declared by it is not a *jihad*?

A.—No. A war may be declared to be a *jihad* if it is declared by a national Government of Muslims in the legitimate interests of the State. I never expressed the opinion attributed to me in Ex. D. E. 12:—

"*Raha yeh masala keh agar hukumat-i-*Pakisten *apni maujuda shukl-o-surat ke sath* Indian Union *ke sath apne mu'ahadat khatm kar-ke i'lan-i-jang bar bhi de to kya us-ki yeh jang jihad ke hukam men a-ja'egi ? Ap ne is bare men jo rae zahir ki hai woh bilkul darust hai - Jab-tak hukumat Islami nizam ko ikhtiyar kar-ke Islami nah ho jae us waqt tak us-ki kisi jang ko jihad kehna aisa hi hai jaisa kisi ghair Muslim ke* Azad Kashmir *ki fauj men bharti ho-kar larne ko jihad aur us-ki maut ko shahadat ka nam de-diya jae - Maulana ka jo mudd'a hai woh yeh hai keh mu'ahadat ki maujudgi men to hukumat ya us-ke shehriyon ka is jang men sharik hona shar'-an ja'iz hi nahin - Agar hukumat mu'ahadat khatm kar-ke jang ka i'lan kar-de to hukumat ki jang to jihad phir bhi nahin hogi ta-an keh hukumat Islami nah ho jae.*'

(translation)

'The question remains whether, even if the Government of Pakistan, in its present form and structure, terminates her treaties with the Indian Union and declares war against her, this war would fall under the definition of *jihad*? The opinion expressed by him in this behalf is quite correct. Until such time as the Government becomes Islamic by adopting the Islamic form of Government, to call any of its wars a *jihad* would be tantamount to describing the enlistment and fighting of a non-Muslim on the side of the Azad Kashmir forces *jihad* and his death martyrdom. What the Maulana means is that, in the presence of treaties, it is against Shari'at, if the Government or its people participate in such a war. If the Government terminates the treaties and declares war, even then the war started by Government would not be termed *jihad* unless the Government becomes Islamic'.

About the view expressed in this letter being that of Maulana Abul Ala Maudoodi, there is the evidence of Mian Tufail Muhammad, the writer of the letter, who states: "Ex. D. E. 12 is a photostat copy of a letter which I wrote to someone whose name I do not now remember."

Maulana Abul Hasanat Muhammad Ahmad Qadri's view on this point is as follows:—

"*Q.*—Is there a law of war in Islam?
A.—Yes.

Q.—Does it differ in fundamentals from the present International Law?
A.—Yes.

> *Q.*—What are the rights of a person taken prisoner in war?
>
> *A.*—He can embrace Islam or ask for *aman*, in which case he will be treated as a *musta'min*. If he does not ask for *aman*, he would be made a slave".

Similar is the opinion expressed by Mian Tufail Muhammad of Jam'at-i-Islami who says:—

> "*Q.*—Is there any law of war in Islamic laws?
>
> *A.*—Yes.
>
> *Q.*—If that comes into conflict with International Law, which will you follow?
>
> *A.*—Islamic law.
>
> *Q.*—Then please state what will be the status of prisoners of war captured by your forces?
>
> *A.*—I cannot reply to this off hand. I will have to study the point."

Of course *ghanima* (plunder) and *khums* (one-fifth) if treated as a necessary incident of *jihad* will be treated by international society as a mere act of brigandage.

REACTION ON MUSLIMS OF NON-MUSLIM STATES

The ideology on which an Islamic State is desired to be founded in Pakistan must have certain consequences for the Musalmans who are living in countries under non-Muslim sovereigns. We asked Amir-i-Shari'at Sayyad Ataullah Shah Bukhari whether a Muslim could be a faithful subject of a non-Muslim State and reproduce his answer:—

> "*Q.*—In your opinion is a Musalman bound to obey orders of a *kafir* Government?
>
> *A.*—It is not possible that a Musalman should be faithful citizen of a non-Muslim Government.
>
> *Q.*—Will it be possible for the four crore of Indian Muslims to be faithful citizens of their State?
>
> *A*—No."

The answer is quite consistent with the ideology which has been pressed before us, but then if Pakistan is entitled to base its Constitution on religion, the same right must be conceded to other countries where Musalmans are in substantial minorities or if they constitute a preponderating majority in a country where sovereignty rests with a non-Muslim community. We, therefore, asked the various *ulama* whether, if non-Muslims in Pakistan were to be subjected to this discrimination in matters of citizenship, the *ulama* would have any objection to Muslims in other countries being subjected to a similar discrimination. Their reactions to this suggestion are reproduced below:—

Maulana Abul Hasanat Sayyed Muhammad Ahmad Qadri, President, Jami'at-ul-Ulama-i-Pakistan:—

> "*Q.*—You will admit for the Hindus, who are in a majority in India, the right to have a Hindu religious State?
>
> *A.*—Yes.

Q.—Will you have any objection if the Muslims are treated under that form of Government as *malishes* or *shudras* under the law of Manu?

A.— No."

Maulana Abul Ala Maudoodi :—

"*Q.*—If we have this form of Islamic Government in Pakistan, will you permit Hindus to base their Constitution on the basis of their own religion?

A—Certainly. I should have no objection even if the Muslims of India are treated in that form of Government as *shudras* and *malishes* and Manu's laws are applied to them, depriving them of all share in the Government and the rights of a citizen. In fact such a state of affairs already exists in India."

Amir-i-Shari'at Sayyad Ata Ullah Skak Bukhari :—

"*Q.*—How many crores of Muslims are there in India?

A.—Four crores.

Q.—Have you any objection to the law of Manu being applied to them according to which they will have no civil right and will be treated as *malishes* and *shudras*?

A.—I am in Pakistan and I cannot advise them."

Mian Tufail Muhammad of Jama'at-i-Islami :—

"*Q.*—What is the population of Muslims in the world?

A.—Fifty crores.

Q.—If the total population of Muslims of the world is 50 crores, as you say, and the number of Muslims living in Pakistan, Saudi Arabia, Yemen, Indonesia, Egypt, Persia, Syria, Lebanon, Trans-Jordan, Turkey and Iraq does not exceed 20 crores, will not the result of your ideology be to convert 30 crores of Muslims in the world into hewers of wood and drawers of water?

A.—My ideology should not affect their position.

Q.—Even if they are subjected to discrimination on religious grounds and denied ordinary rights of citizenship ?

A.—Yes."

This witness goes to the extent of asserting that even if a non-Muslim Government were to offer posts to Muslims in the public services of the country, it will be their duty to refuse such posts.

Ghazi Siraj-ud-Din Munir :—

"*Q.*—Do you want an Islamic State in Pakistan?

A.—Surely.

Q.—What will be your reaction if the neighbouring country was to found their political system on their own religion?

A.—They can do it if they like.

Q.—Do you admit for them the right to declare that all Muslims in India, are *shudras* and *malishes* with no civil rights whatsoever?

A.—We will do our best to see that before they do it their political sovereignty is gone. We are too strong for India. We will be strong enough to prevent India from doing this.

Q.—Is it a part of the religious obligations of Muslims to preach their religion?

A—Yes.

Q.—Is it a part of the duty of Muslims in India publicly to preach their religion?

A.—They should have that right.

Q.—What if the Indian State is founded on a religious basis and the right to preach religion is disallowed to its Muslim nationals?

A —If India makes any such law, believer in the Expansionist movement as I am, I will march on India and conquer her."

So this is the reply to the reciprocity of discrimination on religious grounds.

Master Taj-ud-Din Ansari :—

"*Q.*—Would you like to have the same ideology for the four crores of Muslims in India as you are impressing upon the Muslims of Pakistan?

A.—That ideology will not let them remain in India for one minute.

Q.—Does the ideology of a Muslim change from place to place and from time to time?

A.—No.

Q.—Then why should not the Muslims of India have the same ideology as you have?

A.—They should answer that question."

The ideology advocated before us, if adopted by Indian Muslims, will completely disqualify them for public offices in the State, not only in India but in other countries also which are under a non-Muslim Government. Muslims will become perpetual suspects everywhere and will not be enrolled in the army because according to this ideology, in case of war between a Muslim country and a non-Muslim country, Muslim soldiers of the non-Muslim country must either side with the Muslim country or surrender their posts. The following is the view expressed by two divines whom we questioned on this point:—

Maulana Abul Hasanat Sayyed Muhammad Ahmad Qadri, President, Jami'at-ul-Ulama-i-Pakistan :—

"*Q.*—What will be the duty of Muslims in India in case of war between India and Pakistan?

A.—Their duty is obvious, namely, to side with us and not to fight against us on behalf of India."

Maulana Abul Ala Maudoodi : —

> "*Q.*—What will be the duty of the Muslims in India in case of war between India and Pakistan?
>
> *A.*—Their duty is obvious, and that is not to fight against Pakistan or to do anything injurious to the safety of Pakistan."

OTHER INCIDENTS

Other incidents of an Islamic State are that all sculpture, playing of cards, portrait painting, photographing human beings, music, dancing, mixed acting, cinemas and theatres will have to be closed. Thus says Maulana Abdul Haleem Qasimi, representative of Jami'at-ul-Ulama-i-Pakistan: —

> "*Q.*—What are your views on *tashbih* and *tamseel* ?
> *A.*—You should ask me a concrete question.
> *Q.*—What are your views on *lahw-o-la'b*?
> *A.*—The same is my reply to this question.
> *Q.*—What are your views about portrait painting?
> *A.*—There is nothing against it if any such painting becomes necessary.
> *Q.*—What about photography?
> *A.*—My reply to it is the same as the reply regarding portrait painting.
> *Q.*—What about sculpture as an art?
> *A.*—It is prohibited by our religion.
> *Q.*—Will you bring playing of cards in *lohw-o-la'b*?
> *A.*—Yes, it will amount to *lahw-o-la'b.*
> *Q.*—What about music and dancing?
> *A.*—It is all forbidden by our religion.
> *Q.*—What about drama and acting?
> *A* —It all depends on what kind of acting you mean. If it involves immodesty and intermixture of sexes, the Islamic law is against it.
> *Q.*—If the State is founded on your ideals, will you make a law stopping portrait painting, photographing of human beings, sculpture, playing of cards, music, dancing, acting and all cinemas and theatres?
> *A.*—Keeping in view the present form of these activities, my answer is in the affirmative."

Maulana Abdul Haamid Badayuni considers it to be a sin (*ma'siyat*) on the part of professors of anatomy to dissect dead bodies of Muslims to explain points of anatomy to the students.

The soldier or the policeman will have the right, on grounds of religion, to disobey a command by a superior authority. Maulana Abul Hasanat's view on this is as follows :—

> "I believe that if a policeman is required to do something which we consider to be contrary to our religion, it should be the duty of the policeman to disobey

the authority. The same would be my answer if 'army' were substituted for 'police'.

Q.—You stated yesterday that if a policeman or a soldier was required by a superior authority to do what you considered to be contrary to religion, it would be the duty of that policeman or the soldier to disobey such authority. Will you give the policeman or the soldier the right of himself determining whether the command he is given by his superior authority is contrary to religion ?

A.—Most certainly.

Q.—Suppose there is war between Pakistan and another Muslim country and the soldier feels that Pakistan is in the wrong; and that to shoot a soldier of other country is contrary to religion. Do you think he would be justified in disobeying his commanding officer ?

A.—In such a contingency the soldier should take a fatwa of the '*ulama*'."

We have dwelt at some length on the subject of Islamic State not because we intended to write a thesis against or in favour of such State but merely with a view to presenting a clear picture of the numerous possibilities that may in future arise if true causes of the ideological confusion which contributed to the spread and intensity of the disturbances are not precisely located. That such confusion did exist is obvious because otherwise Muslim Leaguers, whose own Government was in office, would not have risen against it; sense of loyalty and public duty would not have departed from public officials who went about like maniacs howling against their own Government and officers ; respect for property and human life would not have disappeared in the common man who with no scruple or compunction began freely to indulge in loot, arson and murder; politicians would not have shirked facing the men who had installed them in their offices; and administrators would not have felt hesitant or diffident in performing what was their obvious duty. If there is one thing which has been conclusively demonstrated in this inquiry, it is that provided you can persuade the masses to believe that something they are asked to do is religiously right or enjoined by religion, you can set them to any course of action, regardless of all considerations of discipline, loyalty, decency, morality or civic sense.

Pakistan is being taken by the common man, though it is not, as an Islamic State. This belief has been encouraged by the ceaseless clamour for Islam and Islamic State that is being heard from all quarters since the establishment of Pakistan. The phantom of an Islamic State has haunted the Musalman throughout the ages and is a result of the memory of the glorious past when Islam rising like a storm from the least expected quarter of the world—wilds of Arabia—instantly enveloped the world, pulling down from their high pedestal gods who had ruled over man since the creation, uprooting centuries old institutions and superstitions and supplanting all civilisations that had been built on an enslaved humanity. What is 125 years in human history, nay in the history of a people, and yet during this brief period Islam spread from the Indus to the Atlantic and Spain, and from the borders of China to Egypt, and the sons of the desert installed themselves in all old centres of civilisation—in Ctesiphon, Damascus, Alexandria, India and all places associated with the names of the Sumerian and the Assyrian civilisations. Historians have often posed the question : what would have been the state of the world today if Muawiya's siege of Constantinople had succeeded or if the proverbial Arab instinct for plunder had not suddenly seized the *mujahids* of Abdur Rahman in their fight against Charles Martel on the plains of Tours in Southern France. May be Muslims would have discovered America long before Columbus did and the entire world would have been Moslemised; may be Islam itself would have been Europeanised. It is this brilliant achievement of the Arabian nomads, the like of which the world had never seen before, that makes the Musalman of today live in the past and yearn for the return of the glory that was Islam. He finds himself standing on the crossroads, wrapped in the mantle of the past and with the dead weight of centuries on his back, frustrated and bewildered and hesitant to turn one corner or the other. The freshness and the simplicity of the faith, which gave determination to his mind and spring to his muscle, is now denied to him. He has neither the means nor the ability to conquer and there are no countries to conquer. Little does he understand that the forces, which are pitted against him, are entirely different from those against which early Islam, had to fight, and that on the clues given by his own ancestors human mind has achieved results which he cannot understand. He therefore finds himself in a state of helplessness, waiting for some one to come and help him out of this morass of uncertainty and confusion. And he will go on waiting like this without anything happening. Nothing but a bold re-orientation of Islam to separate the vital from the lifeless can preserve it as a World Idea and convert the Musalman into a citizen of the present and the future world from the archaic in congruity that he is today.

It is this lack of bold and clear thinking, the inability to understand and take decisions which has brought about in Pakistan a confusion which will persist and repeatedly create situations of the kind we have been inquiring into until our leaders have a clear conception of the goal and of the means to reach it. It requires no imagination to realise that irreconcilables remain irreconcilable even if you believe or wish to the contrary. Opposing principles, if left to themselves, can only produce confusion and disorder, and the application of a neutralising agency to them can only produce a dead result. Unless, in case of conflict between two ideologies, our leaders have the desire and the ability to elect, uncertainty must continue. And as long as we rely on the hammer when a file is needed and press Islam into service to solve situations it was never intended to solve, frustration and disappointment must dog our steps. The sublime faith called Islam will live even if our leaders are not there to enforce it. It lives in the individual, in his soul and outlook, in all his relations with God and men, from the cradle to the grave, and our politicians should understand that if Divine commands cannot make or keep a man a Musalman, their statutes will not.

KHWAJA NAZIM-UD-DIN'S REACTION TO DEMANDS

We have stated in earlier parts of the Report how the three demands in respect of the Ahmadis came to be formulated and presented to Khwaja Nazim-ud-Din under the threat of direct action. In view of the long and frequent discussions Khwaja Nazim-ud-Din had with the *ulama*, the correctness and justification of the demands on theological grounds must have been discussed. Khwaja Nazim-ud-Din is a devoutly religious man, and since he did not straight away reject the demands, he must have been impressed by their plausibility. At the same time, he must have realised that the demands were merely a thin end of the wedge and that if the principle that such religious matters were to be discussed and determined by the State were conceded, he might be confronted with some more awkward demands. He must also have thought of the possible repercussions of the acceptance of demands not only on the Islamic world but also on the international world. The essential assumption underlying the demands was that in an Islamic State there is a fundamental difference between the rights of the Muslims and non-Muslims and that in such State it is one of the ordinary duties of the State to decide whether a community or an individual is or is not Muslim. The demand relating to the removal of Chaudhri Zafrullah Khan and the other Ahmadis, who occupied public posts of importance in the State, presented a still more complicated problem. Chaudhri Zafrullah Khan was widely known and respected in the international world. His removal was bound to be widely publicised and to lead to international comment, and an explanation which would have satisfied the international conscience, would have been difficult to discover. Under the Constitution Act, neither Chaudhri Zafrullah Khan nor any of the Ahmadis occupying a public position could be removed from his office on the ground of his religious belief and the Constituent Assembly of Pakistan had, as early as 6th October, 1950, adopted an interim report on fundamental rights of the citizens of Pakistan, by which every duly qualified citizen was declared to be eligible to appointment in the service of the State, irrespective of religion, race, caste, sex, descent or place of birth and every citizen's right to freedom of conscience and to profess, practise and propagate religion was guaranteed. The Draft International Covenant on Human Rights prepared by a Commission on Human Rights appointed by the General Assembly of the United Nations Organisation, of which Pakistan is a member, had provided by Article 13 that every person shall have the right to freedom of thought, conscience and religion, including the freedom to change one's religion or belief and to manifest such religion or belief in teaching, practice, worship and observance. The acceptance of the demands would, therefore, have created a flutter in international dovecots and the attention of the international world would have been drawn in one way or another to what was happening in Pakistan, because the acceptance of the demands would have amounted to a public commitment that Pakistan was basing its citizenship on grounds basically different from those observed by other nations and that non-Muslims were debarred from holding public offices in Pakistan merely for their religious beliefs. India never misses an opportunity to revile and ridicule Pakistan and she would not have let this opportunity go un-availed. She also has a communal problem and would certainly have charged Pakistan, of going back on the agreement, which was concluded between the Government of India and the Government of Pakistan on 8th April, 1950 according to which members of the minorities were guaranteed by both States equal opportunity with members of the majority community to participate in the public life of their country, to hold political or other offices and to serve in their countries' civil and armed forces, rights which that agreement recognised to be fundamental. While concluding that agreement, the Prime Minister of Pakistan had pointed to the Objectives Resolution adopted by the Constituent Assembly of Pakistan as guaranteeing to the minorities the right to hold public posts and offices in civil and armed forces, but now this very Objectives Resolution was being used by the *ulama* as an irrefutable argument in support of their claim, that the distinction between the Muslim and non-Muslim subjects of an Islamic State was, according to the injunctions of the Qur'an and *sunna*, fundamental and that neither according to the Qur'an nor according to the *sunna* the Ahmadis, who were alleged to be non-Muslims, could be permitted to hold any important post. India was not interested in Ahmadi religion or the Ahmadis; nor with such religious squabbles of which she had steered clear. But she must have immediately realised the implications of the acceptance of the demands and rightly contended that if Ahmadis could not be permitted to hold public offices in the State, *a fortiori* the Hindu community, in which India was interested, could not. These implications must obviously have been present to the mind of Khwaja Nazim-ud-Din and he must have felt a troublesome conflict between his own religious convictions and the implications resulting from the acceptance of the demands. He, therefore, protracted his negotiations with the *ulama*, hoping against hope that they would abandon the demands or that some unexpected event would solve the issue or human ingenuity discover some solution of the problem. He hardly expected that the *ulama*, who had had long conversations with him and his colleagues on this theological topic, would revolt against his Government and start what was nothing short of a rebellion.

Eventually Khwaja Nazim-ud-Din rejected the demands and gave reasons for the rejection. Simultaneously he ordered the *ulama* to be arrested. The arrests led to demonstrations, processions, public meetings and disorders which we have described in full in Part III of the Report. Sayyad Firdaus Shah, D.S.P., was murdered on the evening of 4th March in or just outside the Wazir Khan Mosque where Maulana Abdus Sattar Khan Niazi had virtually made himself the sole director of the agitation. On 5th March incidents of loot, arson and murders began to be reported and the police had to do a lot of shooting. The military could do nothing, the arrangement with it being that it was there in aid of the civil power and was merely to accompany the police and not to do anything independently unless a particular situation was handed over to it. Despite repeated firing, the situation not only showed no signs of improvement but it went on deteriorating. In the meeting of citizens at the Government House on the afternoon of 5th March no leader, politician or citizen was willing to incur the risk of becoming unpopular or marked by signing an appeal to the good sense of the citizen. The Kotwali was beleaguered by riotous mobs and the decisions taken in a meeting of Ministers and officers on the evening of 5th March were taken by the police as a direction to stop all firing. The Kotwali therefore remained besieged by riotous mobs and the machinery of Government showed signs of a total collapse on the morning of 6th March when the Government publicly announced its surrender to anarchy. The Chief Minister's statement of that morning was intended to be a piece of mere Machiavellianism, but the trick had hardly been tried when the situation went completely out of control and the citizen realised the imminence of the danger to his life and property. The military could wait no longer and took over.

To sum up. The circumstances that led to the proclamation of Martial Law were:—

(1) The complete breakdown of administrative machinery and total collapse of civil power, resulting in the Punjab Government's statement of 6th March that it accepted the demands.

(2) The magnitude and intensity of the disorder, which led to this breakdown.

(3) The magnitude and intensity of the disorder was directly attributable to the circumstance that Government had lost all respect and that a religious complexion had been given to the demands and widespread belief sedulously inculcated in the masses that Ahmadis were detracting from the status of the Holy Prophet and impairing a basic doctrine in Islam.

(4) That nobody realised the implications of the demands, and if any one did so, he was not, out of fear of unpopularity or loss of political support, willing to explain these implications to the public.

(5) That the demands were presented in such a plausible form that in view of the emphasis that had come to be laid on anything that could even be remotely related to Islam or Islamic State, nobody dared oppose them, not even the Central Government which, for the several months during which the agitation had, with all its implications, been manifesting itself, did not make even a single public pronouncement on the subject.

PART V

RESPONSIBILITY FOR DISTURBANCES

RESPONSIBILITY

Having found the circumstances which led to the disturbances, we now proceed to determine the responsibility therefor. In this connection it is first necessary to state the respective views of the parties who have taken part in the proceedings before us.

The Punjab Government and the Muslim League do not appear to have any views on the subject, the former having contented itself with a written statement of a few lines to the effect that since no inquiry into the matter was held by the Punjab Government and a Court of Inquiry had been constituted to investigate the whole matter, it had no views to place before the Court of Inquiry but would assist the Court in placing before it such material as it required. In the arguments addressed to us by Mr. Fazl Ilahi as *amicus curiae* however, it was urged by him that on the evidence produced it should be held that the Punjab Ministry and the Muslim League were proved to be responsible for the disturbances. The Muslim League has contented itself by merely sending for information of the Court copies of certain resolutions passed by it, without expressing any opinion as to the circumstances which led to the disturbances or as to the persons or parties who were responsible for them.

The written statement of Sadr Anjuman Ahmadiya, Rabwah, lays responsibility for the disturbances on the Ahrar, the Jama’at-i-Islami, the *ulama* and the Provincial and Central Governments. The Anjuman accuses the Ahrar of having exploited a religious issue for the purpose of regaining their lost position and rehabilitating themselves with the public. Similar motives are attributed to Jama’at-i-Islami, and it is alleged that Maulana Abul Ala Maudoodi’s object in emphasising on an Islamic Government for Pakistan was; to occupy the first place in the State and that it was with this ulterior object that Jama’at-i-Islami made a common cause with the Ahrar and the other *ulama*. The addition of a ninth demand to the eight demands of Jama’at-i-Islami for the future Constitution of Pakistan, which was intended to assign to the Ahmadis the position of a non-Muslim minority in the Constitution itself, is pointed out as having been prompted by a political and not by a religious motive. The same motive is attributed to the *ulama* who allied themselves with the Ahrar in the campaign against Ahmadis, and it is alleged that the object of the *ulama* was precisely the same as that of Jama’at-i-Islami, namely, to acquire political power and control by emphasising the religious aspect of the future Constitution. The Central Government and the Provincial Government are brought in for a share of the blame because of their indifference to the storm which, as a result of intensive propaganda, had been brewing for a long time, without either Government having made any effort to stop it. The Punjab Chief Minister’s proclamation of 6th March 1953, that the Punjab Government accepted the correctness of the demands and was deputing a Provincial Minister to go to Karachi to place the Punjab’s point of view before the Central Government, is stated to have caused complete collapse of law and order and let loose a reign of terror against Ahmadis, and in proof of this allegation several cases of murder, loot and arson that occurred in Lahore after that proclamation are mentioned.

According to the Ahrar's case the responsibility for the disturbances rests, first, on certain foreign powers which were desirous of regulating Pakistan policy in their own interests. In this connection Great Britain and United States of America are accused of having pursued an anti-Muslim policy in the past and of having used Chaudhri Zafrullah Khan as a tool for that purpose. The second party held responsible by the Ahrar are the Qadianis themselves, particularly Mirza Bashir-ud-Din Mahmud Ahmad, the head of the Ahmadiya community, and Chaudhri Zafrullah Khan. The third party to be blamed for the disturbances is stated to be Khwaja Nazim-ud-Din. the Prime Minister of Pakistan, and his colleagues, who, by their weakness and lack of judgment, are alleged to have created an atmosphere favourable for the disturbances, while the fourth party arraigned under this charge is the Provincial Government and its officers, who are accused of having provoked the public by excessive use of force.

According to the written statements of the Punjab Majlis-i-Amal, the disturbances are relatable, firstly, to the Ahmadiya movement and the provocative conduct of the Ahmadis; secondly, to the preferential treatment accorded to Ahmadis by the Central and the Provincial Governments; thirdly, to the inability of both these Governments to find a timely solution of the Ahmadi problem; fourthly, to the excessive forces used to quell peaceful and constitutional demonstrations by the public and the provocative conduct of officers; fifthly, to some individual Ahmadis and organised parties of Ahmadis, who deliberately engaged themselves in violence to provide an excuse for the Government to crush the *Tahaffuz-i-Khatm-i-nubuwwat* movement; and sixthly, to anti-social elements of society who for their own nefarious ends created an atmosphere of lawlessness.

The Jama'at-i-Islami in its written statement throws the responsibility for the disturbances on the Ahmadis themselves in the first instance, and secondly, on Government, both Central and Provincial. In attempting to make out a case against the Ahmadis, the Jama'at makes a concise but full reference to the peculiar doctrines of the Ahmadis, to the writings and speeches of the founder of that community and his followers, which are alleged to be highly provocative and calculated to wound the religious susceptibilities of Musalmans, and to the separatist and disloyal activities of Ahmadis and a consistent effort on their part to carve out of the general body of Muslims a separate and cohesive class having nothing in common with them and constituting in fact a danger to their solidarity. As against the Government, it is alleged that it pursued a weak, unwise and vacillating policy in the matter which caused considerable confusion, not only among the public but also the services. The Government is accused of having allowed for several months a violent agitation to go on in the press and on the platform in support of the demands which had become a clear issue between all Muslims on the one side and the Ahmadis on the other. Though the *ulama*, including the head of Jama'at-i-Islami, did their best to make the Government alive to the delicate position that had developed almost to a bursting point, the Government is alleged to have persisted in its policy of indifference and indecision, without realising that the demands were the unanimous demands of all Muslims. The volte-face which Government displayed by ordering the arrest of the *ulama* on 27th February in Karachi and the subsequent policy of arrests on a wide scale, and the use of section 144 and excessive force are alleged to have materially contributed to the disturbances. The Jama'at dissociates itself from the 'direct action' and points out that it never endorsed that line of action and emphasises the principle that in a democratic country any popular demand which acquires such importance as the anti-Ahmadiya movement did in the present case, has got to be faced and determined on its merits.

On behalf of the deposed Ministry Mr. Daultana, the late Chief Minister, considers the following factors to be responsible for the situation as it developed :—

(1) Age-old anti-Ahmadi feelings of the Muslims,

(2) The short-sighted attitude of the Ahmadis themselves, who instead of mitigating their difference with the rest of the Muslims paraded and emphasised them.

(3) The vague religious basis of the national ideology of Pakistan, which, due to the stress put on it in and out of season, gave strength to *mullaism* and plausibility to the *mulla's* way of dealing with political principles,

(4) The exploitation by the Ahrar of an explosive situation for their political purposes,

(5) The participation of general body of the *ulama* in the agitation.

(6) The activities of the malcontents, professional miscreants and similar elements after the disturbances broke out.

(7) The leadership of the Central Government which failed to give a lead to the people.

Deepest discontent in all sections of society, rapid deterioration in economic conditions and failure of food supply, national problems like Kashmir, Junagarh, relations with India, the handling of the constitutional problems and the delay in defining the future shape of Government, complaints with regard to the administration, lack of confidence in leadership and general frustration and demoralisation in every quarter are also mentioned by Mr. Daultana as contributory causes of the disturbances.

Most of the officers from Lahore and the *mofussil*, who have submitted written statements, have blamed the Ahrar and the *mullas* who joined them in fanning the agitation. Some of them have also commented upon the indifference of the Central Government in not giving a correct and timely lead to the public. A few officers hold the Ahmadis also to be responsible for what came to pass.

THE ALL PAKISTAN MUSLIM PARTIES CONVENTION, KARACHI, AND ALL MUSLIM PARTIES CONVENTION, LAHORE.

Responsibility for the disturbances must primarily rest on the members of the All Pakistan Muslim Parties Convention, Karachi, and All Muslim Parties Convention, Lahore, and the numerous religious organisations which were represented at these

Conventions by the members of these organisations. The resolution to resort to direct action was passed at a meeting of the All Pakistan Muslim Parties Convention held on 18th January 1953 in Karachi and the decision to constitute a Central Majlis-i-Amal to give effect to this resolution was also taken at the same Convention. The constitution of the Majlis-i-Amal was completed on the evening of the same day and the ultimatum to Khwaja Nazim-ud-Din to accept the demands or to resign from his office was communicated on 22nd January by a deputation appointed by the Majlis-i-Amal. The nature of the action to be taken if the demands were not conceded had not till then been determined; nor did Khwaja Nizam-ud-Din in the course of his interview with the members of the deputation who delivered the ultimatum, question them about it.

The ultimatum was nothing short of a notice of civil revolt to be initiated, organised and conducted by the Majlis-i-Amal in case it was not satisfied by the reply to the ultimatum. It has been contended by the Majlis that the action to be taken if the demands were rejected was not direct action, nor *barah-i-rastiqdam* but only *rast iqdam* that it was to be a perfectly harmless, peaceful and constitutional demonstration of popular dissatisfaction with the rejection and was never intended to be anything like or in the nature of a civil rebellion or civil disobedience and that the disturbances would not have been a natural consequence of ‘direct action’ if the leaders of the movement, who were to control and supervise the action, had not been arrested. It is further urged that the arrest of the leaders was an ill-advised step, that subsequent protests and demonstrations were a direct result of these arrests and that, therefore, responsibility for the disturbances which came in the wake of such protests and demonstrations, is directly referable to the arrests and consequently to the Central and the Provincial Governments. This contention is wholly untenable. If a threat is held out to a Government that in case certain demands placed before it are not accepted by a certain date the party putting forward the demands would resort to direct action, and the Government, not agreeing with the demands, arrests the leaders of the party holding out such threat and disturbances follow directly from such arrests, the party cannot be permitted, and it does not lie in its mouth, to say that but for the arrests there would have been no disturbances. Threat of direct action is threat to constituted authority and no Government worth the name can look with unconcern at such threat, unless finding itself unable to meet the threat it is willing to surrender or abdicate. In the present case, however, Khwaja Nazim-ud-Din, who appears to have been fully cognizant of the strength of feeling against the Ahmadis and of the plausibility of the grounds on which the demands had been put forward, tried as much as he could to argue with the *ulama* and to explain to them the difficulties lying in the way of acceptance of the demands and the implications arising therefrom. Though there appears to have been a good deal of mutual understanding and perhaps common feeling between Khwaja Nazim-ud-Din and some of the *ulama*, neither Khwaja Nazim-ud-Din’s nor the *ulama’s* ingenuity could discover a way out of the impasse, with the result that on 26th February the Majlis-i-Amal decided upon the course of sending batches of volunteers to the residences of the Governor-General and the Prime Minister. The arrest of the *ulama*, therefore, now became inevitable though a firm and determined Government, convinced of the folly and mischievonsness of the course the *ulama* had decided to embark upon, would have been fully justified to effect such arrests earlier. The arrests were followed by protestations, demonstrations and disturbances.

That even if no arrests had been made, there must have been disorder and lawlessness can be denied only by the sponsors of the movement. Such result was certainly anticipated by all who were associated with, and responsible for, the movement. In the Punjab, which was the centre of the movement, thousands of volunteers had already been enrolled, the number exceeding the figure of fifty thousand which Sahibzada Faiz-ul-Hasan had undertaken to enrol, pledges taken from them, enormous funds collected and District Committees of Action with lists of dictators one taking the place of another on arrest appointed. The organisers of the movement had before them the precedents of Multan and Karachi, and most of them their own experience of what happens on such occasions. Public speeches made by the leaders indicate quite clearly what was expected to be the natural result if Government did not bow down to the threat of direct action. And exhortations made to the masses both before and after the delivery of the ultimatum contained significant references to bullets, blood, lives to be sacrificed in defence of the honour (*namus*) of the Holy Prophet, burial clothes, fire and holocaust and to days reminiscent of Hindu-Muslim riots before the Partition. Those who gave expression to these feelings cannot now claim before us to accept the view that they never expected things to take the turn that they actually did, or that they never apprehended the consequences which, in fact, followed from their conduct.

It is urged that the batches of volunteers were to go stealthily so as not to attract any crowds with them. This is a position which can hardly be put forward by those the very basis of whose activities was public agitation and propaganda as is evident from the large gatherings which they collected at the time of the meeting of the Convention in Karachi, not only from 16th to 18th January but also on the eve of the direct action, when notice was given of a public gathering on the following morning at which the result of parleys with Government, and in case of failure of such parleys, the actual programme to be adopted, was to be announced.

We find on the evidence that the members of the Majlis-i-Amal, when they decided to serve Khwaja Nazim-ud-Din with an ultimatum, knew that if the demands were rejected and the threat of direct action was put into execution, large-scale disturbances involving firing, bloodshed and general disorder of a very serious character would be the result, and since the events precisely took the anticipated course, the responsibility for the disturbances directly lies on the members of that Majlis. And since the Majlis-i-Amal was acting merely as an agent of the several religious organisations and leaders, the persons or parties who were members of the Karachi Convention which passed the direct action resolution are all responsible for the disturbances and their consequences. The members of the All Muslim Parties Convention, Lahore, are responsible because they adopted the direct action resolution, endorsed the ultimatum to the Prime Minister and organised the whole paraphernalia for the direct action, programme.

In determining the responsibility of the numerous religious organisations and preceptors we have acted on the well-recognised principle of vicarious liability and the law governing the relations of principal and agent. The Majlis-i-Amals appointed by the All Pakistan Muslim Parties Convention at Karachi and the All Muslim Parties Convention at Lahore were representatives and agents of their respective Conventions and for anything that either Majlis did its principal, provided the act done was within the scope of the Majlis's authority, is responsible. Having passed a direct action resolution and appointed a Majlis-i-Amal to carry into effect that resolution, the members of the Convention gave to the Majlis full authority to determine the means by which that resolution was to be put into execution. Accordingly the acts done by the Majlis were the acts of the Convention which appointed that Majlis. Unless, therefore, any member of the Convention publicly dissociated himself from the direct action, he is as much responsible for the natural consequences of the direct action as the Majlis itself.

In his speech during the general discussion on the budget in Parliament Khwaja Nazim-ud-Din appeared to suggest it as a pertinent fact that some eminent *ulama* belonging to various religious organisations, though they were members of the Majlis-i-Amal and supported the demand for the declaration of Ahmadis as a non-Muslim minority, had dissociated themselves from the direct action programme and that if this fact had been given sufficient publicity, some *ulama*, and *imams* of mosques would not have taken part in the movement. Before us there is no evidence that any organisation or person who was a member of the Convention at Karachi or Lahore publicly dissociated himself from the movement of direct action, and in the absence of any such public dissociation it is not at all pertinent to consider whether any, and if so which, of the *ulama* members of either of the Conventions differed from the programme of action which was settled by the Majlis-i-Amal, a body which they themselves had appointed for the purpose and for whose actions they are not only liable under the law but also on general principles of human conduct.

MEMBERS OF TA'LIMAT-I-ISLAMI BOARD

It is surprising that the Board of Ta'limat-i-Islami which is a Government body should also have jumped whole-heartedly into this business of direct action. Maulana Suleman Nadvi, the President, Maulana Zafar Ahmad Ansari, the Secretary and Maulana Muhammad Shafi, member of the Board, were parties to the resolutions relating to the direct action and the getting up of a Majlis-i-Amal. All these gentlemen, we understand, are in Government employ and receive substantial emoluments. It may be that *ulama* live in a world of their own and judge things by their own standards but nobody has yet enunciated to us the principle by which a person can conscientiously remain in Government, receive a substantial pay from the public exchequer and at the same time be a party to a movement which is nothing less than a revolt against that very Government. If these gentlemen were so perturbed over the Qadiani issue, they should have like honest people severed their connection with Government before they became parties to a direct action resolution against their own employer. None of them ever dared publicly to declare that direct action did not have his approval or to denounce what was happening in the name of such action, and in the absence of any such declaration they are as much responsible for the disturbances as other members of the Convention.

JAMA'AT-I-ISLAMI

Before dealing with the question of the responsibility of Jama'at-i-Islami, it is necessary to give a brief account of the aims and objects of the Jama'at and the scope of its activities. The Jama'at-i-Islami existed before the Partition with its headquarters at Pathankot in the district of Gurdaspur, and Maulana Abul Ala Maudoodi was its founder. On Partition the Maulana came over to Pakistan and in 1952 framed a new constitution for Jama'at-i-Islami in Pakistan. The Indian Jama'at-i-Islami still functions and has its own constitution.

The ideology of the Jama'at-i-Islami is perfectly simple. It aims at the establishment of the sovereignty of Allah throughout the world which, in other words, means the establishment of a religio-political system which the Jama'at calls Islam. For the achievement of this ideal it believes not only in propaganda but in the acquisition of political control by constitutional means and where feasible by force. A Government which is not based on the Jama'at's conception, as for instance where it is based on the conception of a nation, is, according to Maulana Amin Ahsan Islahi, a Satanic Government, and according to Maulana Abul Ala Maudoodi himself *kufr*, all persons taking part in such Government, whether as administrators or otherwise, or willingly submitting to such system being sinners. The Jama'at was, therefore, professedly opposed to the Muslim League's conception of Pakistan, and since the establishment of Pakistan, which it described as *Na Pakistan*, has been opposed to the present system of Government and those who are running it. In none of the writings of the Jama'at produced before us there is to be found the remotest reference in support of the demand for Pakistan, and. on the contrary, these writings which contain several possible hypotheses, are all opposed to the form in which Pakistan came into being and at present exists. According to the statement of the founder of the Jama'at before a Military Court, short of an armed rebellion the Jama'at believes in, and has its objective the replacement of the present form of Government by a Government of the Jama'at's conception. The Jama'at has a head who is called an Amir and though its membership is limited, consisting of only 999 persons at present, the Jama'at has a vast publication and propaganda machinery.

We have had the occasion to remark that the three demands were all professedly based on religion. Neither the Jama'at nor Maulana Abul Ala Maudoodi has denied this, but both have emphasised several other reasons for the declaration of the Ahmadis as a minority and for their removal from key posts. It seems to be implicitly admitted in the statement of these reasons that the demands had also a political and social aspect. Now if this view be correct and the religious aspect of the demands for the time being be ignored, the Jama'at's position, if it be found that it was a party to the direct action, comes to this that where there is a popular demand which the Government does not accept or agree to consider, all constitutional means may be thrust aside and an ultimatum of civil revolt given to the Government. This to our mind is a position which cannot be tolerated by any decent Government which believes that it is there by the consent of the people and not by mere force, and whenever it is confronted by any such position its obvious duty is to reject the ultimatum and to use all the means within its power to meet the threat. If Jama'at-i-Islami's reasons for the demands were to be found in social and political factors, the obvious course for it was to engage in a constitutional agitation and to try to convert the Constituent Assembly to its view or to wait till the next elections and fight them on this issue. All our affairs are at present in an unsettled condition, and to require the Government at the point of pistol to accept a particular demand or to adopt a particular course is not only unconstitutional but a clearly unpatriotic act—a method which can only be resorted to by a party which is anxious to add to the difficulties of the Government. If the demands had not been represented to be based on religious grounds, it is obvious that no crisis would have arisen because in that case the Government would have required the party putting forward the demands to prove the case on the merits so that suitable action could be taken against those who were engaged in anti-State activities. But one of the three demands was for the removal of all Ahmadis from Key posts, and this could only have been based on religion because no Ahmadi other than Chaudhri Zafrullah Khan occupies any key post as defined by Jama'at-i-Islami, namely, a post which involves the formulation of a policy. And Maulana Amin Ahsan Islahi when questioned what other posts were in view when the demand for the removal of Ahmadis from key posts was made, was unable to mention any such post which was occupied by an Ahmadi. In the same way if Chaudhri Zafrullah Khan's dismissal had been demanded on the ground that his activities were prejudicial to the interests of the State, the Government would have, apart from the fact that he is an Ahmadi, required definite data that he was indulging in activities which were not known to the Prime Minister and which were causing such harm to the State that his dismissal had become necessary. The sole question, therefore, regarding the Jama'at's responsibility for the disturbances is whether, like other parties, it also approved of the decision to launch direct action if the Government did not accept the demands which were put before it on the ground that they followed from certain religious doctrine.

The Jama'at-i-Islami disclaims responsibility for the disturbances on the ground that it never approved of direct action or the programme decided upon in pursuance of the decision to resort to such action. This allegation of the Jama'at is traversed by the Majlis-i-Amal, the Ahrar and the Ahmadis. It, therefore, becomes necessary to determine whether any responsibility for the disturbances can also be fixed on the Jama'at. The difference in the version of Jama'at-i-Islami and Maulana Abul Ala Maudoodi on the one hand and of the Majlis-i-Amal and the Ahrar on the other, has already been mentioned in detail in an earlier part of this report. It is not disputed either by the Jama'at-i- Islami or by Maulana Abul Ala Maudoodi that the resolution relating to direct action was passed in Karachi on 18th January in a meeting of the Convention in which the Maulana was himself present. At this meeting a resolution was also adopted constituting a Majlis-i-

Amal of fifteen members of which eight were unanimously nominated on the spot. Up to this stage there is no dispute between the Jama'at-i-Islami and the Majlis-i-Amal and the Ahrar. The difference begins from the stage when a meeting of the eight members of Majlis-i-Amal who had been chosen in the Convention was held on the same evening. Maulana Abul Ala Maudoodi and his Jama'at state that no notice of this meeting was given to Maulana Maudoodi who was present in Karachi, that this meeting was not attended either by the Maulana or by any representative of Jama'at-i-Islami, that even the eight members who had been chosen earlier did not all attend the meeting, that no information of the co-option of seven members was given to them, that these seven members were not present in the evening meeting in which the decision to send an ultimatum to Khwaja Nazim-ud-Din was taken, that consequently the decision to deliver an ultimatum to Khwaja Nazim-ud-Din was *ultra vires* the Majlis-i-Amal and that, therefore, neither the Jama'at-i-Islami nor Maulana Abul Ala Maudoodi is responsible for the events that happened after the delivery of the ultimatum. Though it is proved from the evidence, and it is admitted both by the Majlis-i-Amal and the Ahrar, that not all persons who had been chosen as members of the Majlis-i-Amal in the meeting of the Convention on 18th January attended the meeting of the Majlis held on the same evening, and that the decision to send an ultimatum to Khwaja Nazim-ud-Din was taken in the absence of, and without notice to the seven members who had been co-opted, it is contended by the Ahrar and the representative of Majlis-i-Amal that this meeting of the Majlis-i-Amal was attended by a representative of Jama'at-i-Islami and that the decision to serve the ultimatum had his approval and, therefore, of the Jama'at, Maulana Abul Ala Maudoodi was one of the eight members chosen at the Convention, and according to Sayyad Muzaffar Ali Shamsi, a witness called by the Ahrar, the resolution relating to direct action was dictated to him by Hafiz Kifayat Husain, Master Taj-ud-Din Ansari, Maulana Abdul Haamid Badayuni and Maulana Abul Ala Maudoodi himself. Shamsi further alleges that it had also been announced in the Convention that a meeting of the eight nominated members of Majlis-i-Amal would be held at 8 o'clock in the evening in the office of *khatm-i-nubuwwat* movement. The witness proceeds to say that at a dinner party the same day Maulana Abul Ala Maudoodi had expressed his inability to be present at the evening meeting of the Majlis-i-Amal because he was engaged on some important work and had intimated that Maulana Sultan Ahmad, Amir Jama'at-i-Islami, Karachi and Sind, would attend that meeting on behalf of the Jama'at. When the meeting took place at 8 o'clock the same evening in the office of *khatm-i-nubuwwat* movement, Maulana Sultan Ahmad attended on behalf of Maulana Abul Ala Maudoodi and took part in the deliberations which resulted in the decision to draw up an ultimatum and to deliver it to Khwaja Nazim-ud-Din. Maulana Abul Hasanat Sayyad Muhammad Ahmad also states that when the meeting of members of Majlis-i-Amal was held in the evening Maulana Abul Ala Maudoodi sent a message that because he himself was busy in some other work, he was directing Maulana Sultan Ahmad, the Amir of Jama'at-i-Islami in Karachi, to attend that meeting and that this Amir was present when the seven members were co-opted and the persons who were to deliver the ultimatum to the Premier selected. The Maulana, further states that this representative of the Jama'at-i-Islam raised no objection either to the constitutionality of the meeting of the Majlis-i-Amal or to the decision taken by it. Maulana Sultan Ahmad has not been called, and Maulana Abul Ala Maudoodi denies having sent him to the meeting of the Majlis-i-Amal. Maulana Abul Ala Maudoodi has also contradicted the allegation that at a dinner party he had intimated his inability to attend the meeting of the eight and expressed his desire to depute Maulana Sultan Ahmad to attend the meeting on his behalf. With this conflict that is to be found in the evidence of Maulana Abul Ala Maudoodi on the one hand and Maulana Abul Hasanat Sayyad Muhammad Ahmad and Sayyad Muzaffar Ali Shamsi on the other it is definitely unpleasant and somewhat difficult to decide which version to accept as true. And since the Jama'at-Islami's responsibility does not depend upon this fact alone, we refrain from giving any finding on it.

The second difference between the Jama'at-i-Islami on the one side and Majlis-i-Amal and the Ahrar on the other relates to the conduct of Maulana Sultan Ahmad at the meeting of the Majlis-i-Amal held on 26th February in the office of the *khatm-i-nubuwwat* movement in Karachi. Maulana Abul Ala Maudoodi's version is that though he had received a notice of this meeting he himself was ill and had given certain instructions to Maulana Sultan Ahmad by telephone which were followed by a detailed letter written to him on 22nd February 1953, the substance of the letter and the telephonic message being that the Jama'at-i-Islami's view that direct action should not be resorted to, nor any unconstitutional step taken, should be pressed at the meeting and that if this proposal was not accepted, Maulana Sultan Ahmad should declare that the Jama'at had resigned membership of Majlis-i-Amal. As Maulana Sultan Ahmad has not been called as a witness, we do not know when this letter reached him and what views he expressed at the meeting of the Majlis-i-Amal, In the letter to Maulana Sultan Ahmad, Maulana Abul Ala Maudoodi had stated that he had no knowledge of any meeting of the Majlis-i-Amal after the meeting of the Convention on 18th January; that he disapproved of public demonstrations which were being staged at Lahore to create in the minds of the public the expectation that a great war would begin from 22nd February; that after the creation of this expectation, if no war was declared, the result would be defeat and failure of the common objective; that the Jama'at-i-Islami had joined the Majlis-i-Amal on the understanding that each party would adopt its own programme of action for the achievement of the object and not work under the command of, or in execution of the programme determined by, the Majlis-i-Amal so as to lose its identity; that it was wrong on the part of the Majlis-i-Amal to organise demonstrations exclusively against Khwaja Nazim-ud-Din because any such course would alienate the sympathy of Bengal with the movement; that emphasis was being wrongly laid on the demand relating to the removal of Chaudhri Zafrullah Khan; that atmosphere was not favourable for any wide scale agitation because, firstly, the educated classes had still not been convinced of the justification of the demands and, secondly, the Provinces other than the Punjab and Bahawalpur had not yet become interested in the movement; that if the course of action which the Majlis-i-Amal had chosen for itself was persisted in, the result would be failure; that these points must be pressed by Maulana Sultan Ahmad before the members of the Majlis-i-Amal and that if his view did not find favour with the Majlis, he should dissociate the Jama'at from the Majlis. Though the instructions given by this letter to

Maulana Sultan Ahmad were clear and definite, there is no evidence before us that the viewpoint of Maulana Abul Ala Maudoodi was pressed before the Majlis-i-Amal. On the other hand, we have the evidence of Maulana Abul Hasanat Sayyad Muhammad Ahmad and Sayyad Muzaffar Ali Shamsi that Maulana Sultan Ahmad expressed no dissent from, or disapproval of, the decision taken. The evidence of Maulana Abul Hasanat on this part of the case is as follows :—

"*Q*.—Did you remember the part taken by Maulana Sultan Ahmad in the proceedings of the Majlis-i-Amal?

A.—Yes.

Q.—Did he express any difference with the resolution as it is recorded in the proceedings?

A.—No. Everyone was agreed.

To Court—I am absolutely certain that Maulana Sultan Ahmad did not raise any objection to the decisions taken at the meeting.

Q.—Did Maulana Sultan Ahmad say that he had come to the meeting under telephonic instructions from Maulana Maudoodi and that the letter which Maulana Maudoodi had said had been written to him had not till then been received by him?

A.—Yes, that is correct.

Q.—Did Maulana Sultan Ahmad then say that in the absence of instructions from Maulana Maudoodi he could not adopt any definite attitude in regard to the decisions to be taken?

A.—No. he did not say that.

Earlier Maulana Maudoodi had told me that it was not necessary for himself to attend the meeting of the Majlis-i-Amal and that he could be represented by somebody else of his choice. Maulana Sultan Ahmad did not say that he was not in a position to express any opinion on the resolutions until he had received some letter which had been sent by Maulana Maudoodi and which was on its way. I definitely remember that I questioned Maulana Sultan Ahmad whether he was fully authorised to represent the Jama'at-i-Islami at the meeting of the 26th and his answer was in an unqualified affirmative.

Q.—When did Maulana Maudoodi tell you that he would send his representative with full authority to act on behalf of the Jama'at?

A.—I cannot give the date nor can I mention the month".

This evidence is confirmed by Sayyad Muzaffar Ali Shamsi and Ex. D. E. 336, the record of the proceedings of the Majlis-i-Amal which is signed by Maulana Sultan Ahmad himself. It is true that the signatures of the members appear in this document above the record of the proceedings, but Maulana Abul Hasanat's evidence is clear and definite on the point that the document is a correct record of the proceedings and the decisions taken which had the approval of Maulana Sultan Ahmad. We have, therefore, no hesitation in finding that the decision to picket the houses of the Governor-General and the Prime Minister from the morning of 27th February had the approval of Maulana Sultan Ahmad. This finding, however, does not contradict Maulana Abul Ala Maudoodi's statement that the instructions to Maulana Sultan Ahmad were not to be a party to any such action and that full instructions for the guidance of Maulana Sultan Ahmad were contained in the letter, Ex. D. E. 66.

We might at this stage mention the Jama'at-i-Islami's version of the circumstances in which the Conventions of 16th to 18th January and 26th February, 1953, were held in Karachi. The Jama'at was a member of the Majlis-i-Amal which had been constituted by the All Muslim Parties Convention held in Lahore on 13th July. Maulana Amin Ahsan Islahi and Malik Nasarullah Khan Aziz were the two representatives of the Jama'at at the Majlis-i-Amal, but later Mian Tufail Muhammad replaced Islahi. At a meeting of the Majlis-i-Amal which was attended by Malik Nasarullah Khan Aziz and Mian Tufail Muhammad, held near the end of November, a resolution proposing civil disobedience was moved by Sahibzada Faiz-ul-Hasan, but it was withdrawn, the resolution moved by Sheikh Husam-ud-Din to call a Convention in Karachi having been adopted. This Convention was accordingly held in Karachi from 16th to 18th January, which was attended by Maulana Abul Ala Maudoodi. At a subsequent meeting of the Punjab Majlis-i-Amal held at Lahore in the middle of February, a letter from Maulana Maudoodi was read by Malik Nasarullah Khan Aziz to the effect that what was being done by the Majlis-i-Amal in the Punjab was *ultra vires* because the form of *rast iqdam* had not been defined by the Convention held in Karachi on 18th January. It was, therefore, decided that a meeting of the Central Majlis-i-Amal be called and it was in pursuance of this requisition that the meeting of 26th February was held, which, as already mentioned, was attended by Maulana Sultan Ahmad who had been instructed by Maulana Maudoodi to dissociate himself and the Jama'at from the Majlis-i-Amal if it insisted on taking some unwise and hasty step.

Maulana Abul Ala Maudoodi returned from Karachi to Lahore on 24th January and addressed a public meeting outside Mochi Gate. The purport of this speech has already been mentioned in an earlier part of the report.

On I8th February, 1953, Mian Tufail Muhammad, Qayyam of Jama'at-i-Islami, Pakistan, issued instructions to the members and *muttafiqeen* of the Jama'at to the effect that the Majlis-i-Amal was a body constituted by the All Muslim Parties Convention, that the organisations which had agreed to join this Majlis had not merged their own individuality in it, that therefore no member or *muttafiq* of Jama'at-i-Islami should sign any pledge or declaration at the instance of Majlis-i-Amal, that it was contrary to the discipline of the Jama'at that any member of it should obey any order issued by any other organisation, that no programme of action should be acted upon until it had been decided upon by the Central Majlis-i-Amal which was about to meet and that in the struggle for the declaration of the Ahmadis as a non-Muslim minority nothing should be done which was unconstitutional or improper or likely to lead to disorder.

When the arrests were made in Karachi on 27th February, Maulana Abul Ala Maudoodi, on 1st March, 1953, issued a statement condemning these arrests as well as the Press Note issued by the Government attempting to justify them. The Maulana said in this statement that Government was in the hands of people none of whom rose above the mentality of a Thanedar, that the arrests were the act of persons who had no sense or wisdom, that the true course for the Government was either to accept the demands or to convince the people that their demands were not justified or to resign, that the demands could not be suppressed by means adopted by the Government, that the Government's Press Note had falsely stated that the demands had been engineered by the Ahrar who were the enemies of Pakistan, and that the demands were the unanimous demands of the Musalmans, though as to the means which should be adopted to secure acceptance of the demands there could be difference of opinion between the Jama'at and others.

The 'Tasneem' of 2nd March, 1963, wrote a leading article repeating a portion of Maulana Abul Ala Maudoodi's statement of 27th February about the Government's Press Note and reiterating the three courses open to Government which had been indicated by Maulana Maudoodi in that statement. In its issue of 3rd March, the same paper devoted another article to the subject disapproving improper slogans that were being raised during speeches in public meetings, the rowdyism that was being witnessed in processions and the mock funerals of high personages in Government that were being staged. Though the article condemned all this, it proceeded to mention that people had inherited this conduct from the Muslim League itself when it had organised the agitation against Malik Khizar Hayat Khan Tiwana, and pointed out that such conduct would be injurious to the sacred mission for which the public were striving.

Again in the issue of 4th March, 1953, this paper published a statement by Mian Tufail Muhammad, Qayyam of the Jama'at, that according to the information received by him the house of Maulana Abul Ala Maudoodi and the office of 'Tasneem' were going to be picketed which showed that the movement had fallen into irresponsible hands; that those who had suggested such picketing did not know that before the Council of Action was dissolved the Jama'at-i-Islami in consultation with responsible leaders of the movement had undertaken a duty which it would continue to discharge; that Maulana Akhtar Ali Khan in his speech had made an attack on Jama'at-i-Islami to which Maulana Abul Ala Maudoodi had a reply; that it was not wise to blame people who were working for the achievement of a common object; and that the public should not be affected by rumours and at the instigation of unwise friends embarrass people who were engaged in the achievement of the same end.

In the issue of 5th March, 1953, the 'Tasneem' published a report by the staff reporter that he had contacted responsible persons of Jama'at-i-Islami to seek a clarification of the Jama'at's position and that one who could speak on behalf of the Jama'at had stated that the Jama'at's position had been defined in the 'Tasneem' of 4th March, that one Maulana Muhammad. Yusuf who had been arrested with Maulana Akhtar Ali Khan on the preceding day but had been released was doing something which was detrimental to the common object, that the public should attach no importance to rumours spread by irresponsible persons and that they should let the Jama'at do the work which it had taken upon itself.

The Qadiani Masala, a pamphlet of 40 pages, in which detailed reasons were given for Maulana Maudoodi's opinion that the Qadianis were outside the pale of Islam, was published on 5th March 1953. It reproduced a large number of quotations from Ahmadiya literature, and asserted that all religious organisations in Pakistan had decided to excise a cancer (Ahmadiyyat) from Muslim society and to have Zafrullah Khan removed from his office because of his activities in spreading the roots of this cancer abroad including Muslim countries. At the end of the pamphlet there was a casual remark that the kind of demonstrations which common people were suggesting to be held to secure an acceptance of the demands were not proper and were not approved by serious-minded educated people, but this remark was immediately followed by the assertion that people had learnt such demonstrations from the Muslim League in the course of the agitation that it had launched to break up the Ministry of Malik Khizar Hayat Khan Tiwana and that they had not been invented by the *mulla*.

On the same day the Majlis-i-Shura of Jama'at-i-Islami passed a resolution declaring the necessity of adopting effective measures to have the unanimous demands of the Musalmans accepted and in order to make the movement successful, of directing it on right lines. It was stated in this resolution that the demand of the public was justified; that a refusal or omission to accept the demand was bound to cause dissatisfaction and anger in the masses; that a policy of indifference in such matters drove the public to have recourse to unconstitutional means; that it was wrong on the part of Government to suppress the demands by force, and when people were provoked by the use of such force, to use the police and the military against them; and that this course was bound to lead the country to a civil war. The resolution also reproduced the substance of Maulana Maudoodi's speech of that day at the Government House. Referring to that speech the resolution declared that what the Maulana had said was that after the rejection of the popular demands it was useless for Government to make an appeal for peace; that no useful purpose would be served by such appeal if the Government was bent upon suppressing the demands of the public by force; that if Government was anxious to prevent further deterioration of the situation it should cool down the feelings of the public by abandoning the endeavour to suppress the demands by force and should open negotiations with the representatives of the public; that unless the principle of meeting argument with argument was adopted, incidents of disorder and bloodshed would continue to occur; that if the Government had any doubts whether the demands were the unanimous demands of the public it was for Government to suggest some other method of ascertaining whether they were such; and that if on application of all tests the demands were found to be unanimous but the Government even then did not concede them, the people had no other course left open to them. The resolution also expressed the opinion of the Jama'at-i-Islami on the incidents that were happening and alleged that the Amir of the Jama'at-i-Islami, since the resolution of 'direct action', had repeatedly drawn the attention of the sponsors of the movement to two aspects of the matter: (1) that the issue was confined to the Punjab and (2) that even in the Punjab the educated classes did not realise the religious, social and political implications of the issue, but that the members of the Majlis-i-Amal had started the 'direct action' without paying due regard to these two aspects; and that when the 'direct action' was started, it was marred by incidents and disorders which were a reflection on Islamic morals and were calculated to bring a sacred cause into disgrace. The resolution reaffirmed the Jama'at-i-Islami's support of the object of the movement but pointed out that the Jama'at could not sacrifice all its principles to support methods which were being adopted in achieving the object of the movement. The resolution enumerated the three responsibilities of the Jama'at in this connection, one of which, was to adopt effective methods to secure acceptance of the demands, the second to direct the movement as far as possible into peaceful channels and to keep it within the limits of decency and the third to persuade all fair-minded people to devise measures to stop the repression that was becoming a danger to the peace and integrity of the country. In the same issue was published another statement of Maulana Abul Ala Maudoodi in which he referred to two telegrams which he had sent to the Prime Minister of Pakistan, and to his speech in the Government House in the course of which after explaining the whole situation he had advised the Government to stop the use of the police and the military against the people and open negotiations in order to ascertain the reasonableness of the demands, and expressed his surprise on the Government's appeal over the radio inasmuch as the Government had contented itself with appealing for the maintenance of order and had not said one word about the consideration of the demands and had put the entire blame on the public and none on itself.

Now after this detailed statement of the activities of the Jama'at-i-Islami and its founder, the facts that are either admitted by or have been proved against the Jama'at are:

(1) that Jama'at-i-Islami was a party to the Punjab Majlis-i-Amal;

(2) that the Jama'at was also a party to the Majlis-i-Amal set up by the All Pakistan Muslim Parties Convention which had passed the resolution of 'direct action' in Karachi on 18th January 1953;

(3) that Maulana Sultan Ahmad, who attended the meeting of the Majlis-i-Amal on 26th February in Karachi, did not dissociate himself from the activities of the Majlis-i-Amal, and the programme of sending volunteers to the residences of the Governor-General and the Prime Minister was decided upon in his presence and without any protest from him;

(4) that throughout one representative or another of the Jama'at-i-Islami kept on attending the meetings of Majlis-i-Amals of Karachi and Lahore ;

(5) that from the date that the resolution of 'direct action' was passed until the disturbances were in full swing, the Jama'at-i-Islami made no

public declaration that it was not a party to the ‘direct action’ and that it dissociated itself from the activities which were being carried on in prosecution of the programme settled by the Majlis-i-Amal;

(6) that in his speech at the Government House on 5th March Maulana Maududi, according to evidence which we see no reason to doubt or reject, stated that a civil war between the people and the Government was on and that unless the Government stopped the use of force and opened negotiations with the representatives of the people, there was no occasion for an appeal for peace; and

(7) that the Jama’at-i-Islami in its resolution of 5th March repeated the same view as had been expressed by Maulana Maudoodi on that day in the Government House.

It was well known to the Jama’at that the programme of ‘direct action’ would lead to disorders of a very grave character as appears from Maulana Maudoodi’s reference to the word “war” used by him in some of his speeches published in the ‘Tasneem’ and from the reference to Hindu-Muslim riots in his speech delivered outside Mochi Gate in Lahore on 30th January 1953.

In the various writings in the ‘Tasneem’ or the directions issued by the Jama’at-i-Islami there is, before the 5th March, not one word indicating that the programme of ‘direct action’ did not have the Jama’at’s support or approval. On the other hand, there are veiled admissions in these writings of the fact that Jama’at-i-Islami had undertaken some responsibility in the matter and that it would discharge that responsibility to the best of its ability. This corroborates Hafiz Khadim Husain’s evidence that there was some scheme of division of work between the Jama’at and the other parties, indications of which are to be found in Maulana Amin Ahsan Islahi’s statement that the Jama’at’s programme was to make speeches and publish literature. Even, therefore, if it be admitted, and we believe that this part of the statement of Maulana Abul Ala Maudoodi is correct, that there were differences between the Jama’at-i-Islami and the other parties in regard to the details of the programme of ‘direct action’, and that the Jama’at insisted on adopting constitutional means, this was no more than an internal affair between the members of the Majlis i- Amal themselves and does not affect the Jama’at’s responsibility for the natural consequences of the ‘direct action’ to which the Jama’at had solemnly subscribed. Of course, if the Jama’at had publicly and unequivocally dissociated itself from the programme of ‘direct action’, it would not have been responsible for what subsequently occurred. But there is no evidence of any such dissociation nor of any denunciation or disapproval of the ‘direct action’. Mere disapproval of the manner in which processions were being organised or of the mock funerals that were being arranged, or of slogans that were being raised during the speeches at public meetings does not at all amont to a disapproval of the ‘direct action’ or of the steps that had been decided to be taken in pursuance of that action in the meeting of 26th February, and the responsibility of the Jama'at increases considerably when its leader, Maulana Abul Ala Maudoodi, did not at all co-operate with the desperate efforts that Government was making on 5th March to stop disorders. On the contrary, the Maulana took a defiant attitude, blamed the Government for everything that had occurred and attempted to create sympathy with disorderly elements by describing them as subjects of repression. The impression that one gets from the evidence about his attitude at the Government House is that he was anticipating the whole system of administration to crumble down and expressing his glee over the expected discomfiture and surrender of Government. And when all this is taken into consideration with the avowed object of Jama'at-i-Islami to seize power, because, according to it, this is the most effective way of achieving its object of establishing religious institutions under the Sovereignty of Allah, no doubt is left in one's mind that what was happening had the complete approval of the Jama'at. The Jama'at is accordingly responsible for the natural consequences that flowed from the passing of the 'direct action' resolution and from the programme, which the Majlis-i-Amal decided to embark upon by its decision of 26th February in Karachi, of sending batches of volunteers to the residences of the Governor-General and the Prime Minister and appointing Maulana Abul Hasanat as the first dictator of the movement. That the arrests of the leaders of the movement had become inevitable and the leaders themselves were in no doubt about it, is clear from a reference to the possible arrest of the first dictator to be found in. the proceedings of the Majlis-i-Amal of 26th February. As the events that followed the arrests were folly expected as also the steps that would be taken by the authorities to deal with the situation arising from public protests and demonstrations, it does not lie in the mouth of the Jama'at to assert that the entire blame lay on the Government because it resorted to force to quell the disturbances which had rapidly assumed an alarming form. Sayyad Firdaus Shah was murdered by a furious mob in or outside the Wazir Khan Mosque on the evening of the 4th. This event was merely a precursor of what was to follow, but even after that incident the Jama'at did not say one word of regret or of disapproval of a barbaric murder. On the contrary its founder flung the Qadiani Masala in the midst of a colossal conflagration. We think we are reading the Jama'at's mind quite rightly when we say that, though it did not believe in the propriety of the programme that had been decided upon in execution of the resolution of 'direct action', the Jama'at was throughout afraid of becoming unpopular by giving frank and honest expression of its real views to the public. In its mentality and attitude, therefore, it did not differ from any other political personality or organisation, and was as much afraid as anyone else of doing anything which might expose it to public criticism.

We see no force in the contention raised by the Jama'at and by Maulana Abul Ala Maudoodi that the meeting of the Majlis-i-Amal held on the evening of 18th January 1953 in Karachi was irregular and unconstitutional and that everything done subsequently by the Majlis-i-Amal was *ultra vires*. If the matter had been one between the Jama'at-i-Islami and the other parties to the Majlis-i-Amal, and the Court had been called upon to decide this question of constitutionality in proceedings in which some right or liability had to be enforced *inter partes*, we would probably have agreed with the Jama'at. But no question of *ultra vires* or unconstitutionality can arise in the proceedings before us, because the Jama'at had lent its name both to the Majlis-i-Amal, Punjab, and the Central Majlis-i-Amal; it was a party to the resolution of 'direct action' ; and in the meeting of the Majlis-i-Amal on 26th February its representative was a party to the resolution of sending batches of volunteers and to the appointment of a dictator who was to conduct the operations. The point is, therefore, of no consequence whatsoever in the inquiry.

The rustication of Ghulam Siddiq of Mianwali and Sayyad Ahmad Shah of Sargodha from the Jama'at was long after Martial Law had been proclaimed, and does not in any way improve the Jama'at's position. The confidential reports submitted by the Deputy Commissioners and the Superintendents of Police of several districts show that members of Jama'at-i-Islami took part in the disturbances. The name of Sultan Ahmad in this respect is mentioned by the Deputy Commissioner, Montgomery, in his diary, dated 28th March 1953, and Muhammad Husain, another member of the Jama'at from the same district, was actually arrested. Reports by the Superintendents of Police of Gujranwala and Rawalpindi also refer to the activities of members of the Jama'at during the disturbances.

THE AHRAR

A full account of the genesis and the activities of the Ahrar has been given in an earlier part of this report. The dominating principle by which the Ahrar policy is governed is not to play the second fiddle. It was on this principle that they separated from the Congress, though even after this, they continued flirting with and kotowing before the Congress. There was no love lost between them and the Muslim League; nor was the Muslim League's Pakistan ever acceptable to them. During the period that the Muslim League under the leadership of the Quaid-i-Azam was striving for Pakistan, the Ahrar were flinging foul abuse on all the leading personalities of the Muslim League and accusing them of leading un-Islamic lives. Islam with them was a weapon which they could drop and pick up at pleasure to discomfit a political adversary. In their dealings with the Congress, religion was a private affair to them and nationalism their ideology. When they were pitted against the League, their sole consideration was Islam of which they held a monopoly from God, and the League was not only indifferent to but an enemy of Islam. To them Quaid-i-Azam was *kafir-i-azam*. They alone knew what Islamic way of life was; and everyone in the Muslim League was living a notoriously irreligious life. How they attempted to defeat the Muslim League with Islam as their weapon will be apparent from some utterances of Maulana Mazhar Ali Azhar, the Ahrar leader, to whom is ascribed the couplet in which the Quaid-i-Azam was called *kafir-i-azam*. This gentleman is a Shia, but *madh-i-sahaba* with him is dearer than life, and during the days of Shia-Sunni riots in Lucknow both he and his son adopted this slogan which rouses the ire of every Shia and went from Lahore to Lucknow to fan the Shia-Sunni fire. Speaking outside Bhati Gate at a public meeting of the Ahrar, he said that he had, for the preceding two or three months, been asking the Muslim League whether the names of *sahaba-i-karam* would be revered in Pakistan, but had received no reply. He alleged that in the Congress-governed Provinces where Government was still with the British and the

League had no power, the Leaguers were not permitting the *sahaba* to be named with reverence and asked whether, if power passed to the League; the state of affairs would be the same as in Lucknow and other Provinces where Muslims were in a majority and *madh-i-sahaba* would be an offence. Proceeding, he inquired if words of praise for Hazrat Abu Bakr, Hazrat Umar and Hazrat Usman could not be uttered in Lucknow and Mahmudabad, what would be the condition in League's Pakistan and what interest the Musalmans could have in such Pakistan (*vide* 'Shahbaz' of 20th November 1945)? In its issue of 2nd November 1945, the 'Nawa-i-Waqt' published a letter written by this very gentleman to another Ahrar leader. As the genuineness of this letter was questioned, we examined Maulana Mazhar Ali Azhar about it. He says that he does not definitely remember having written it but since this letter was published in one of the prominent papers of Lahore and was not contradicted by him, we have no hesitation in holding that the Maulana did write this letter. It is impossible that the Maulana, a renowned leader as he was in those days, should not have been aware of the publication of this letter, and, if he failed to contradict it, the only inference can be that the 'Nawa-i-Waqt' was in possession of the original letter, the authorship of which, in case the matter came to proof, could have conclusively been proved. The subject-matter of this letter is again *madh-i-sahaba* and we may repeat that the Maulana himself is a Shia. In this letter the Maulana says that the weapon of *madh-i-sahaba* could effectively be used against the League and that both the League and that both the League and the Government will have to surrender over this issue whatever might, be the result of the elections. This conduct of the Maulana shows quite clearly how the Ahrar and other parties can conveniently exploit religion for their political ends. In this connection we may also mention a similar effort made by the Muslim League itself in 1946 to have *pirs* and *masha'ikh*, who command considerable followings, on its side in the struggle for the establishment of Pakistan. The Muslim League with a view to enlisting the support of the masses appointed a Masha'ikh Committee, consisting of twelve members, some of whom were religious leaders of unquestionable positions, e. g. the Pir Sahib of Macki Sharif, Pir Jama'at Ali Shah, Khwaja Nizam-ud-Din of Taunsa Sharif; Makhdum Raza Shah of Multan, etc. But the amusing part of it is that even men like Khan Iftikhar Husain Khan of Mamdot, Sirdar Shaukat Hayat Khan, Malik Feroz Khan Noon and Nawab Muhammad Hayat Qureshi, who were not much known for their religiosity, were also included in this Committee and religious designations assigned to them. Khan Iftikhar Husain Khan of Mamdot was described as Pir Mamdot Sharif, Sirdar Shaukat Hayat Khan as Sajjada Nashin of Wah Sharif, Malik Feroz Khan Noon of Darbar Sargodha Sharif and Nawab Muhammad Hayat Qureshi as Sajjada Nashin of Sargodha Sharif and to top all, the Secretary of this Committee, Mr. Ibrahim Ali Chishti, was designated Fazil-i-Hind Sajjada Nashin of Paisa Akhbar Sharif. The only object of the appointment of this Masha'ikh Committee could be to mix up important political leaders of the Province with religious leaders of recognised status and to hold them out as spokesmen of religion so that if occasion arose they could sway the masses more easily. And in the course of this very agitation the issues of the 'Azad', an Ahrar paper, for 7th December and 16th November 1952, reported two speeches, one by Hafiz Qamrud Din, Sajjada Nashin, Sial

Sharif, and the other by Qazi Ehsan Ahmad Shujabadi, in which in the cause of religion rebellion was stated not only to be justifiable but an act of piety.

So far as the Ahrar are concerned, they consistently exploited religion for their political ends. They left the Congress on grounds of religion, and they opposed the Muslim League and Pakistan on that ground. In a statement, issued from Amritsar on 19th September 1945, Maulana Mazhar Ali Azhar said that the Muslim League's slogan of Pakistan was a stunt and that he neither recognised Mr. Jinnah as Quaid-i-Azam nor the League as the representative of Musalmans, because Mr. Jinnah's life was un-Islamic. He appealed to the people that they should not be misled by the slogans for Pakistan and that in the coming elections they should cast their votes for those who were serving the public. The 'Milap' of Lahore in its issue of 27th December 1945, published a speech by the Ahrar leader, Amir-i-Shari'at Sayyad Ata Ullah Shah Bukhari, which he made at the Ahrar Conference at Alipore. In this speech the Amir-i-Shari'at announced with the beat of dram that the leaders of the Muslim League were a class of *be-amal* (irreligious) people who were not only unaware of their *aqibat* (life after death) but were also spoiling the *aqibat* of others and that the State which they were attempting to create was not Pakistan but *khakistan*. The same venerable leader in a speech at Pasrur said that no mother had yet given birth to a child who could even make the 'P' of Pakistan (*vide* Istiqlal Number of the 'Daily Jadid Nizam' of 1950). In his speeches Chaudhri Afzal Haq, the Ahrar leader, made many sarcastic and disparaging references to Muslim League's conception of Pakistan, which are reported at pages 41, 82-83 and 99 of 'Khutbat-i-Ahrar'. Maulvi Muhammad Ali Jullundri admitted in a speech made at Lahore on 15th February 1953, that the Ahrar had been opposed to Partition and that the reasons for that view of theirs would become apparent to the people within a short time. Both before and after the Partition, he also used the word '*palidistan*' for Pakistan, and Capt. Abdul Haye's evidence before us proves that even during the disturbances in one of the speeches made at Lahore by the Ahrar leader, Amir-i-Shari'at Sayyad Ata Ullah Shah Bukhari, Pakistan was described as a prostitute which the Ahrar had accepted perforce.

On Partition the Ahrar came to Pakistan as a defeated and frustrated party. Some of the Ahrar leaders stayed behind and according to a report published in the 'Zamindar' of 16th January 1948, the An India Majlis-i-Ahrar passed a resolution dissolving their organisation and accepting that in India no political organisation other than the Congress was called for. The resolution advised the Musalmans to join the Congress and to acknowledge the leadership of Maulana Abul Kalam Azad. They decided to confine their future activities to *khidmat-i-khalq* (service of humanity) and for the protection of their religious rights the Musalmans were advised to join the Jami'at-ul-Ulama organisation. In Pakistan they kept quiet for some time, trying to discover some new ideology for themselves. They repeatedly said that they had not given up politics and that they intended to assume the role of opposition in Pakistan (*vide* the 'Azad' for 26th December 1950, and 27th May 1952, and the 'Ta'meer-i-Nau' of 5th December 1949), We have already pointed out how after a period of inactivity they began to awake as a political party but finding that there was no scope for their old ideology in Pakistan and that the

Muslim League would not permit them to come into prominence, they surrendered their politics in favour of the Muslim League and declared that in future they would devote themselves to *tabligh* (religious propaganda). What the precise scope of their activities in the field of *tabligh* was going to be was not announced by them, but it has been admitted before us that the conversion of non-Muslims other than Ahmadis was not included in their campaign which was to be exclusively directed against the Ahmadis. Their enmity of the Ahmadis extended over almost a quarter of a century, and though it will be incorrect to say that before the Partition they were not very much concerned, about the Ahmadis, their beliefs and their activities, it can be said with absolute certainty that now the Ahrar brought the anti-Ahmadiya controversy out of their old armoury purely as a political weapon and what subsequently happened is an eloquent testimony to their shrewdness and judgment as a political party. They thought that if they could arouse public feeling and the masses against the Ahmadis, nobody would dare oppose them and that the more the opposition to this activity of theirs, the more popular they would become. Subsequent events showed that they were right in this assumption. They, therefore, concentrated against the Ahmadis and whether the occasion was a *tabligh* or a *difa*' or an *istihkam* conference, or *yaum-i-tashakkur* or *yaum-i-mutalibat*, the description of the conference or the day being merely a camouflage, or only a cattle fair, their main, nay the only, topic was Ahmadis and Ahmadiyyat. If they had carried on this religious controversy, as other religious controversies are carried on, they would not perhaps have attracted much support. Bat they were clever enough to recognise that the feelings of a Musalman are nowhere more easily and bitterly aroused and his indignation awakened than over a real or fancied insult to the Holy Prophet. They, therefore, began to give out that their activities were meant to preserve the *nubuwwat* (prophethood) of the Holy Prophet and to repel attacks on his *namus* (honour) which had been made by Ahmadis in propagating the belief that the Holy Prophet was not the last of the prophets and that another prophet had appeared who claimed not only to be equal but superior to the Holy Prophet. The trick succeeded and they began to attract large audiences to their meetings, and since some of the Ahrar speakers are experts in the choice of words and expressions and the use of similes and metaphors and can intersperse their speeches with flashes of humour and wit of however low an order, they soon began to be popular. Government became alarmed at this and in the very first note that Mr. Daultana, the Chief Minister, recorded about their activities, he rightly judged that they were 'trying to capture a political living space' for themselves. The same was the opinion of Maulana Abul Hasanat, who eventually became the first dictator of the direct action, when in one of his statements published in the 'Maghribi Pakistan' of 11th July 1952, he said that the *khatm-i-nubuwwat* movement had been started by the Ahrar with a political motive and in which he expressed his determination not to let any political party exploit religion. Similar was the comment on their activities by the 'Maghribi Pakistan' in its issue of 2nd and 4th July. And nobody understood the Ahrar motives better than Mr. Qurban Ali Khan, Inspector-General of Police, who attempted throughout to emphasise the point that the Ahrar had purposely chosen an issue on which nobody would have the courage to oppose them, that on this issue they could easily defeat the Muslim League itself, that the implications of the issue were of far-reaching importance to the future and stability of the country, that though the Government had a difficult problem to face, someone somewhere had to take a decision and that it was on an occasion like this that the leadership of a country was put to real test.

We have already mentioned how the Ahrar managed to do away with the Muslim League opposition by announcing that they had given up their own politics. For some time after this the Government, by reason of the Ahrar's alliance with the Muslim League, remained indifferent to, and even overlooked their activities. But after they had succeeded in rallying round almost all religious organisations on the *khatm-i-nubuwwat* issue, they came out in the open and began to defy orders under section 144 of the Code of Criminal Procedure, which the District Magistrates, under a policy communicated to them by the Government, had promulgated. At first these orders were directed against public meetings held or organised by the Ahrar but when the Ahrar began to hold their meetings in mosques, they were made applicable to such meetings also. This raised a storm of indignation because the Ahrar could make the plausible allegation that Government had started interfering with gatherings in mosques and, therefore, with religion. This argument succeeded quite easily and was as effective as the earlier argument that the Ahrar were fighting in defence of the *nubuwwat* and therefore honour of the Holy Prophet. Thus contraventions of orders under section 144 became more frequent and more popular, and when some of the Ahrar offenders were prosecuted for such breaches, they at once found themselves raised to the status of martyrs. A lot of propaganda was thrust down the public throat that Government was not only imposing restrictions on the use of mosques as places of worship and performance of religious obligations but that it was also relentlessly prosecuting people whose only fault was that they said their prayers or preached religion in the mosques. The arguments was invincible and beyond issuing a vague and brief statement that Government did not mean to interfere with anyone's religion, it did nothing to stop this pernicious propaganda. When the Ahrar made the pretence of a compromise with the Government and gave an undertaking, which nobody among the Ahrar except those who had given it knew, not to murder, rob or dishonour the Ahmadis, Government readily accepted the assurance. The Ahrar offenders who had been convicted were, therefore, released and pending cases against them as well as all orders under section 144 withdrawn. True to their tradition, the Ahrar resumed their activities, this time more vigorously and relentlessly because there were no section 144 orders to disobey, no prosecutions and no district authorities to call them to account.

Negotiations with Khwaja Nazim-ud-Din started and here again, as in the Karachi Convention of January and in the Majlis-i-Amal appointed by it, the Ahrar dominated. All recruitment of volunteers and the collection of funds was done by the Ahrar, though in the name of *Tahaffuz-i-khatm-i-nubuwwat* movement. Maulana Akhtar Ali Khan's efforts himself to collect money not having met with much response. Thus the whole paraphernalia for the civil revolt was set up by the Ahrar.

The Ahrar also dominated the deliberations of the All Muslim Parties Convention in Lahore, which was manoeuvred by themselves. They had more than their share in the Majlis-i-Amal and some of the members of that Majlis who were nominated by other organisations were really Ahrar. And lastly the Ahrar contributed the largest number to arrests and jails. Thus they were directly responsible for the disturbances.

The conduct of the Ahrar calls for the strongest comment and is especially reprehensible—we can use no milder word—for the reason that they debased a religious cause by pressing it into service for a temporal purpose and exploited religious susceptibilities and sentiments of the people for their personal ends. That the Ahrar were sincere in what they did can only be believed by themselves because their past history is so glaringly inconsistent that only a fool could be misled by their professions of religiousness. Khwaja Nazim-ud-Din described them as enemies of Pakistan, and this compliment they richly deserved for their past activities. That they turned out to be enemies of the new State when it came into being has been proved by their subsequent conduct. How could a party which was opposed to Pakistan, to the Muslim League and all its leaders and which was a mere handmaid of the Congress, give up all its past ideology and on the establishment of Pakistan which came into being despite its efforts, completely change its views, as it were, overnight, and pose as the sole monopolist of Islam in a State which it had done its best to prevent from coming into existence ? Did the Ahrar discover their ideal only after the Partition ? Where was their cry of an Islamic State for Pakistan when they were engaged in a grim struggle against parties and people who were claiming only a homeland for the Muslims ? And are they not, if recent press reports are true, even now in the good books of the Congress and pitted against the only Muslim party in India ? Have not their Indian comrades, who still call themselves Ahrar, been commissioned by the Congress to reconcile the Kashmiries to Bakhshi regime in Kashmir ? If all this is true, then only simple-minded folks in Pakistan could be befooled by their expressions of religious fervour. Here are the views of their own President for their conversion to the ideology which they wish to enforce in Pakistan :—

"*Q.*—Do you know anything about Iqbal and Nehru controversy ?

A.—Yes.

Q.—Please state the subject which was in controversy between them ?

A.—Nehru emphasised *watan*, but Allama Iqbal emphasised religion.

Q.—Then there was a clear conflict between the ideology of the Ahrar and that of Allama Iqbal ?

A.—Yes.

Q.—Why did the Ahrar then change their ideology ?

A.—So long as we were with the Congress we were a political party, but when Pakistan was about to come into existence we converted ourselves into a religious party.

Q.—When the Ahrar were siding with the Congress, did they believe, as a part of their religion that they could be good subjects in an undivided country ?

A.—Yes.

Q.—Do you still have that religious view ?

A.—No.

Q.—Were the Ahrar a party of nationalist Muslims ?

A.—Yes.

Q.—Did they have the same ideology as the Congress ?

A.—Yes.

Q.—Was the Jami'at-ul-Ulama-i-Hind also a body of nationalist Muslims ?

A.—Yes.

Q.—Could, in your opinion, a Musalman lead the life of a Musalman in the future constitution as envisaged by the Ahrar and the Congress ?

A.—Yes.

Q.—Do you still have the same opinion ?

A.—No.

Q.—Was *watan* the predominant factor in the Congress and Ahrar ideology ?

A.—Yes.

Q.—Did you share this view with the Congress ?

A.—Yes.

Q.—Can you have the same ideology for the subjects of Pakistan as you had when you were associated with the Congress ?

A.—No."

Comment on this is superfluous except that in Pakistan even a party with the Ahrar's past can over throw the Government if it has the common sense of raising a plausible religious issue.

AHMADIS

The Ahmadis were not directly responsible for the disturbances because the disturbances were the result of the action taken by the Government against the programme which the All Muslim Parties Convention had decided to adopt under the direct action resolution. But the demands related to the Ahmadis and came to be made because of their peculiar beliefs and activities and the emphasis laid by them on their distinction from other Musalmans. These beliefs and activities were undoubtedly an occasion for the demands and, therefore, it becomes necessary to determine whether the Ahmadis had any share in provoking the disturbances. Their differences with the general body of Muslims had existed for more than half a century and before the Partition they were carrying on their propaganda and proselytising activities without any let or hindrance. The entire complexion of the situation, however, changed the establishment of Pakistan and Ahmadis were befooling themselves if, in the absence of any enunciation of the policy as to the limits within which public preaching of religions other than Islam or sectarian doctrines within Islam was to be permitted, they ever thought that their activities would not be resented and would go unnoticed in the new State. The changed circumstances, however, brought no corresponding change in their activities and aggressive propagation and offensive references to non-Ahmadi Muslims continued. The Quetta speech of Mirza Bashir-ud-Din Mahmud Ahmad in which he openly advocated the conversion of the entire population of that Province and the use of that Province as a base for further operations, was not only ill-advised but imprudent and provocative. In the same way, the direction to his followers to intensify their propaganda for the spread of Ahmadiyyat so that the entire Muslim population should fall into its lap by the end of 1952, was an open notice of their proselytising activities to the Musalmans. And the references to those who did not believe in Mirza Ghulam Ahmad as enemies or criminals or merely as Musalmans could not fail to provoke those whose attention was drawn to such references. The Ahmadi officers regarded it as their religious duty to engage themselves whole-heartedly in the campaign of proselytisation. This conduct of theirs encouraged the Ahmadis to pursue their objective more vigorously where they had or expected official support. We are quite sure that but for the fact that the administrative head of the district of Montgomery was an Ahmadi, the Ahmadis would not have dared to go on an open propaganda mission to a cluster of non-Ahmadi villages. When a public officer gives public expression to his sectarian views, as some of the Ahmadi officers did, the result is nothing but a complete lack of confidence in his impartiality in disputes to which a member of his community happens to be a party. However correct and honest his decision may be, if it goes against the party who does not belong to that officer's community, it is impossible for such party to avoid the impression that he has been the victim of injustice on sectarian grounds. The conduct of these officers was, therefore, most unfortunate and displayed a lack of comprehension of the principle by which a public officer should govern his outward conduct. We are, therefore, satisfied that though the Ahmadis are not directly responsible for the disturbances, their conduct did furnish an occasion for the general agitation against them. If the feeling had not been so strong against them, we do not think that the Ahrar would have been successful in rallying round themselves all sorts of heterogeneous religious organisations.

MUSLIM LEAGUE

The activities of several prominent members of the Muslim League in relation to the *Tahuffuz-i-khatm-i-nubuwwat* movement and the consequent disturbances have been detailed in an earlier part of this report. It is necessary here merely to recapitulate the main incidents connected with the Muslim League or individual members or office-bearers of the Muslim League who were subject to the party discipline. It will be remembered that during the period under review Mian Abdul Bari was the President of the Provincial Muslim League from 16th April 1949 to 20th August 1950, Sufi Abdul Hamid from 20th August 1950 to 28th October 1951 and Mr. Daultana since 27th October 1951. After the Mamdot Ministry was dismissed, Mian Abdul Bari nominated some leaders of the Muslim League as Advisers to the Governor during the time that section 92-A was in force. Though the responsibility for Provincial administration was that of the Governor, who was acting on-behalf of the Governor-General, the Governor followed the same practice as is followed when a popular Ministry is in office. The Advisers, therefore, occupied the same position as that of the Ministers. Malik Muhammad Anwar was the Adviser in charge of law and order from 4th November 1949 to 24th July 1950.

Though by the Press Statement of Mr. Daultana of 1st April 1952 and the directions issued in pursuance of that statement to the League organisations on 3rd April 1952 members of the Muslim League were prohibited from presiding over non-Muslim League meetings, and they were directed not to take any part in activities which might create estrangement or enmity between different classes of Pakistan citizens, none of the League organisations took these instructions to mean that its members were not to take part in activities connected with the *Tahaffuz-i-khatm-i-nubuwwat* movement. The instructions had excluded functions of a purely social or non-political nature, and though it was pointed out that the word ‘political’ was to be interpreted strictly and not loosely, the members of the Muslim League in several districts began to associate themselves whole-heartedly with the *Tahaffuz-i-khatm-i-nubuwwat* movement. Nor was the direction that members of the Muslim League should not take any part in activities which might create estrangement or enmity between different classes of Pakistan subjects, seriously taken and the office-holders and members of the League as well as members of the Legislative Assembly who had been elected on the League ticket, began freely to take part in activities in support of the movement. No notice of these activities, if they ever came to the notice of the Punjab Provincial Muslim League, was taken, and inquiries made by some members evoked no definite reply. In its meeting held on 17th July 1952, the City Muslim League of Gujranwala passed a resolution declaring that *khatm-i-nubuwwat* was a fundamental doctrine in Islam, disapproving of the application of orders under section 144 to mosques, characterising such orders as an interference in religion and demanding the Government not only to withdraw those orders but also to withdraw all cases arising out of their contravention. The resolution of the City Muslim League, Gujranwala, was followed by the resolution of the City Muslim League, Sargodha, on 20th July to the effect that the Ahmadis be declared a non-Muslim minority and requesting the Provincial Muslim League and the All Pakistan Muslim League to take practical steps to obtain such declaration. In a similar resolution the City Muslim League, Kamoke, declared the Qadianis to be ineligible for membership of the League and asked for their rustication from that body. The important Leaguers who associated themselves with resolutions relating to the declaration of Ahmadis as a non-Muslim minority, which were submitted to the Working Committee of the Provincial Muslim League for the annual meeting that was to be held on 26th and 27th July 1962, were:—

Qazi Murid Ahmad, M.L.A., Councillor, Punjab Muslim League,

Sahibzada Mahmud Shah of Gujrat, Councillor, Punjab Muslim League,

Muhammad Islam-ud-Din, M.L.A.,

Maulana Sayyad Ahmad Saeed Kazmi, Member, Provincial Muslim League Council,

Khwaja Abdul Hakim Siddiqi. President, City Muslim League, Multan,

Sufi Muhammad Abdul Ghafur Ludhianvi, Office Secretary, District Muslim League and Councillor Punjab Muslim League, and

Muhammad Ibrahim Qureshi, General Secretary, City Muslim League, Jhang, and Councillor, Punjab Muslim League.

These resolutions were examined by the Chairman, Mr. Daultana, and other office-bearers, and though it is not known who proposed or drafted the resolution which was moved at the second session of the Council on 27th July, Mr. Daultana has taken full responsibility for that resolution. The resolution, which was passed by an overwhelming majority of 284 to 8, recited that differences between the Musalmans and the Qadianis on the doctrine of *khatm-i-nubuwwat* were fundamental, that owing to these differences a proposal had been put forward to class the Qadianis as a non-Muslim minority in the constitution of Pakistan, that this proposal reflected to a certain extent the reaction of Muslims to the strong separatist tendencies which the Qadianis themselves had shown in religious matters and other spheres of civic and social life, that the proposal involved grave and important issues of a constitutional and legal nature which required deep and careful consideration and could, with the fullest confidence, be left to the mature judgment of the leadership of the Pakistan Muslim League and the Pakistan Constituent Assembly, that in the meantime every member of Muslim League must endeavour to create an atmosphere of calmness and serenity in which alone deliberate decisions affecting fundamental constitutional policy could be taken and that the Council affirmed its unwavering adherence to the principle that it was not only a democratic but also a religious duty of Muslims of Pakistan to protect the life, property, honour and all civic rights of every citizen of the State irrespective of his or her caste or creed. The view underlying this resolution had been explained earlier by Mr. Daultana in his speech at the Sialkot District Muslim League Conference at Pasrur, and after the passing of the resolution he further clarified it in his speeches in Hazuri Bagh, Lahore, on 30th August and at Rawalpindi on 13th September. In each of these speeches Mr. Daultana emphasised his and all Muslims' belief in the finality of prophethood and the consequences of disbelief in that doctrine, the nature of the demands that followed from or were based on that doctrine, and the position that the demands were of a constitutional nature which were only cognisable by the Centre. Of course in those speeches he emphasised the fact that religious minorities in Pakistan were entitled to protection of life, property and honour. The resolution and the speeches show as clearly and unequivocally as words can that the Muslim League and Mr. Daultana personally considered the Qadianis to be non-Muslims because no other conclusion is possible from his speech in Hazuri Bagh when he said that the raising of any argument on the doctrine of *khatm-i-nubuwwat* itself amounted to *kufr*, that *khatm-i-nubuwwat* was a part of our faith which was above all argument and logic, and that the Qadianis, because of their separatist tendencies, were themselves responsible for the strong feeling that had come to exist against them. The same is the conclusion to be drawn from his speech at Rawalpindi. In his speech at Nizamabad on 25th October to the District Muslim League, Gujranwala, there was a veiled hint that there were some people who were creating disunity among the Musalmans and that such people were destroying not only the unity of Islam but the integrity of Pakistan, but, keeping in view his earlier pronouncements, this could not have referred to the differences of Musalmans with the Ahmadis who, according to his earlier speeches, were clearly outside the pale of Islam.

The second point that clearly emerged from the resolution and the speeches was that the demands in respect of the Ahmadis were in their nature essentially constitutional and that, therefore, they were exclusively within the cognizance of the Central authorities, i.e., the All Pakistan Muslim League, the Central Government and the Constituent Assembly of Pakistan. Mr. Daultana must have been fully conscious of the implications of this statement of the position. In the language of the resolution and the words and expressions he used in the speeches which he made on the subject, one thing was most clearly expressed and that is that the Province was not concerned with the demands except in their law and order aspect and that it was the Centre alone who could take notice of the demands and take necessary steps to have them recognised. After this no one could have dared to say that the Ahmadis were not a separate community, that they were within the fold of Islam, that the demands against them were unfounded and unjustified and that they should be rejected. The demands having thus been held to be justified, thereafter all representations and claims in reference to them had to be made to the Centre and all activities in support or to secure recognition of the demands to be directed against the Central authorities, i.e., Khwaja Nazim-ud-Din, the leader of All Pakistan Muslim League and the Prime Minister of Pakistan who could, if he liked, carry the demands through the party meeting and thus through the Constituent Assembly. Things, therefore, took the course pointed out and Khwaja Nazim-ud-Din began to feel himself in an uncomfortable position, a position in which Mr. Daultana would have found himself if the demands had related to the Provincial sphere. The centre of activity shifted to Karachi where deputation after deputation of the *ulama* began to call upon Khwaja Nazim-ud-Din and to discuss the demands with him. A detailed account of his interviews with the *ulama* and what transpired at them has been given earlier. Intensely religious, and a man of deep and sincere convictions as Khwaja Nazim-ud-Din is, he found himself placed on the horns of a dilemma. He could not refute the argument of the learned theologians which was in keeping with his own beliefs. He also knew the power that the *ulama*, since the Quaid-i-Azam's demise, the passing of the Objectives Resolution and the recommendation of the Basic Principles Committee, had acquired in the land. The rejection of the demands would have brought him, as he has himself put it, to a "head-on clash" with the *ulama*, and this he wished to avoid at every cost. He could not have accepted the demands as it would certainly have exposed Pakistan to ridicule and disillusioned the international world of her claims as an advancing, progressive and democratic State. All attempts to temporise and compromise failed. Though the issue was clear-cut, it contained in it implications of so dangerous and radical a character that any definite decision one way or the other would have meant trouble for him.

Who put Khwaja Nazim-ud-Din in this unhappy position? The answer must certainly be that it was the Muslim League resolution and its subsequent exposition and explanation. After the existence and justification of demands was officially recognised by the League, and their constitutional nature affirmed and explained, the course of the agitation was bound to be diverted to Karachi. The members of the Provincial Muslim League could hereafter be indifferent, and if they so liked, could even openly espouse the cause, for which a clear case had been made out in the League resolution itself. The result, therefore, was that members of the Muslim League began unreservedly to pronounce their support of the demands. In the spate of posters and handbills which began to appear in favour of the demands, the names of important office-bearers of the League and Muslim League M. L. As. began prominently to be mentioned. In the month of July alone five such posters were published. One of these with the heading: "On the issue of *khatm-i-nubuwwat* every Musalman will shed his last drop of blood", issued by the Publicity Department of Majlis-i-Ahrar-i-Islam, Lyallpur, appeared over the signatures of Chaudhri Aziz-ud-Din, M. L. A., President, District Muslim League, Lyallpur, and Member Working Committee of the Punjab Provincial Muslim League, Sheikh Bashir Ahmad, President, City Muslim League, Lyallpur, and four other Muslim League, M.L.As. Another, published by Idara-i-Tahaffuz-i-Khatm-i-Nubuwwat, which demanded the release of persons arrested in the movement and an inquiry into the circumstances which resulted in the death of the 'martyrs of Multan', was subscribed by Dr. Ali Muhammad, President, Muslim League, Sumundri, Chaudhri Ali Sher, General Secretary, Muslim League, Samundri, Sheikh Muhammad Alam, Councillor District Muslim League, Lyallpur, Hakim Munsif Ali, Member Working Committee, Muslim League, Lyallpur, Chaudhri Khuda Bakhsh, Member Working Committee, Muslim League, Samundri, Chaudhri Muhammad Ali Mujahid, Samundri, Chaudhri Muhammad Yaqub, Samundri, and Chaudhri Inayat Ullah, Samundri. The third poster was signed by Muhammad Ashiq Khan, General Secretary, City Muslim League, Qasur, Sayyad Hasan Ali Shah Hamdani, Councillor, City Muslim League, Qasur, and Mian Khadim Husain, Member Muslim League, Qasur. Similarly a poster published in Jhang was signed by Hakim Muhammad Ain-ul-Haq, Secretary, Primary Muslim League, Maghiana, Mian Gul Muhammad, Member Working Committee Muslim League, Maghiana, Hafiz Zafar Ahmad, Member Working Committee Muslim League, Maghiana, Hakim Abbas Ali Khan, Member Working Committee Muslim League, Maghiana, Sayyad Muhammad Sibtain, Member Working Committee Muslim League, Maghiana, Sayyad Ghulam Abbas Ali Shah, President. Primary Muslim League of Village Jhirki, Haji Allah Jowaya, Councillor City Muslim League, Maghiana, Master Allah Ditta, Councillor, Muslim League, Maghiana, Mian Ghulam Qadir, Member Muslim League, Maghiana, Master Ghulam Nabi, Senior President, Muslim League, Maghiana, Mian Nazir Hussain, Councillor City Muslim League, Maghiana, Mian Ahmad Din, Treasurer, Muslim League, Maghiana., Chaudhri Dost Muhammad, Member Muslim League, Maghiana, Mian Amir Bakhsh, Joint Secretary, Muslim League, Maghiana, Mian Khadim Hussain, Salar District Muslim League, Jhang, and Mian Rahmat Ullah, Convener, Primary Muslim League, Maghiana. The poster published by Majlis-i-Tahaffuz-i-Khatm-i Nubuwwat, Sheikhupura, under the heading "Unanimous Demands" and signed by Ata Muhammad, Khair Din Chishti, Mahbub Ilahi, Muhammad Sharif, Muhammad Aslam, Abdur Rahim, Amin Gilani, Nasir Qureshi and Ch. Mushtaq Ahmad, Members of the Working Committee and Councillors of the City Muslim League, Sheikhupura, supported the demands, declared the promulgation of orders under section 144 as interference with religion and demanded their withdrawal. Another poster by the same body and on the same subject was signed by Chaudhri Abdul Ghani, M. L. A., Councillor, Pakistan Muslim League, Haji Muhammad Ali, M. L. A., Chaudhri Lal Khan, President, District Muslim League, Sheikhupura, and Chaudhri Muhammad Ibrahim, President, City Muslim League, Sheikhupura.

Members of the Muslim League took active part in the collection of funds and the enrolment of volunteers and some of them became dictators or members of the direct action committees in districts and when the disturbances started, they jumped wholeheartedly into the movement.

As many as 377 members of the Muslim League joined the agitation. Their particulars are given in a list prepared by Mr. Muhammad Husain, Superintendent of Police, compiled from official information received from the districts. With the exception of Mianwali every district seems to have been affected. The following statement would show the number of members affected in each district:—

Lahore	… … … …	26
Sialkot	… … … …	28
Sheikhupura	… … … …	21
Gujrat	… … … …	37
Sargodha	… … … …	58
Jhelum	… … … …	9
Rawalpindi	… … … …	21
Campbellpore	… … … …	5
Montgomery	… … … …	18
Jhang	… … … …	10
Dera Ghazi Khan	… … … …	3
Muzaffargarh	… … … …	16
Multan	… … … …	21
Gujranwala	… … … …	43
Lyallpur	… … … …	61
		377

These gentlemen took part in processions, leading violent mobs, violating orders promulgated under section 144 and collecting funds with a view to financing the movement. Among the persons in this list are presidents, senior vice-presidents, secretaries, treasurers and other office-bearers of the various Muslim League organisations in the Province. Four of them were Councillors of the Provincial Muslim League, five were members of the Muslim National Guards, two were Advocates, and one the editor of an Urdu daily. Fifty-four of them were arrested under section 3 (3) and six under section 21 of the Punjab Public Safety Act, eleven under section 188 of the Pakistan Penal Code, six under Martial Law Regulations, two in cases of loot, arson and murder, and one under sections 124-A and 153-A of the Pakistan Penal Code. Two of them absconded while one was let off with a warning. One, who was a *lambardar*, was dismissed from his office while the licence of another for possession of a revolver was suspended.

The Provincial organisation looked at all these activities with perfect equanimity and no evidence is to be found anywhere in the bulky record before us of that organisation's disapproval of such activities. In fact, there are suggestions made from several quarters that the movement had the Provincial organisation's support and encouragement.

The demands, though they related to the Ahmadis, were against the Government. Now the Government in power in those days, as it is at present, was the Muslim League Government. How persons subject to the discipline of the Muslim League could take part in such a movement or in the direct action campaign that was subsequently launched, is beyond our sense of propriety and decency to comprehend and no attempt has been made to explain this apparent act of indiscipline and disloyalty to that organisation. The Gujranwala and Sargodha incidents are typical in this respect, and we endeavoured to obtain an explanation of the conduct of some Muslim Leaguers of these places. The result of our effort is reproduced below.

The Deputy Commissioner of Gujranwala says the following in his written statement:—

> "The party in power in the City Muslim League supported the defiance of law and condemned Government action, demanding the release of the arrested agitators who defied the ban on public meetings. A resolution was also passed and a poster issued in this connection. * * *
>
> * * * * * * * * *
>
> The local Muslim League office-bearers failed to rise to the occasion and associated with the agitators in the hope of wrenching leadership from their opposite group in the League itself, such as: Sheikh Barkat Ali, Sheikh Muhammad Ashiq, etc."

Mr. Manzur Hasan is a member of the Legislative Assembly, having been elected to that body on the Muslim League ticket, and is the Secretary of the City Muslim League, Gujranwala. He is an Advocate and in that capacity had defended the accused who were prosecuted for their contravention of orders under section 144 prohibiting public assemblies in mosques which were not of a religious nature. As has been pointed out earlier, on 20th June 1952 some prominent Ahrar leaders addressed a public meeting in Sheranwala Bagh Mosque, Gujranwala after the Juma prayers. This meeting had been proclaimed a day before in the manner in which public meetings are announced and was held after Juma prayers had finished. In a meeting of the City Muslim League, Gujranwala, Mr. Manzur Hasan had moved the resolution which demanded the release of the persons who had been arrested for organising or speaking at the public meeting held after the Juma prayers on 20th June and for the withdrawal of orders under section 144. He was called as the 79th witness in the inquiry and the relevant part of his statement is as follows :—

> "*Q.*—You have stated in your written statement that there was a party opposed to you which was the favourite of the Deputy Commissioner and the Superintendent of Police. Please name the members of the party ?
>
> *A.*—(The witness mentions certain persons and then says) of them Seth Ghulam Qadir, Seth Muhammad Abdullah, Sheikh Barkat Ali and Sheikh Ashiq Hussain are members of the Muslim League.
>
> *Q.*—Did you know that by passing this resolution you were condemning the Government ?
>
> *A.*—I did not then realise that by denouncing the arrests made by the Government for contravening orders under section 144, Criminal Procedure Code, I was condemning the Government itself.
>
> *Q.*—Who were arrested for contravening orders under section 144, Criminal Procedure Code ?
>
> *A.*—Sahibzada Faiz-ul-Hasan, his son whose name I do not know, Maulvi Abdul Wahid and some others. Most of the men arrested were Ahrar.
>
> *Q.*—Were you their counsel when their case came up to Court ?
>
> *A.*—I am a lawyer and I defended the son of Sahibzada Faiz-ul-Hasan and Maulvi Abdul Wahid when their case came up to Court.
>
> *Q.*—Was there any allegation that any one of these men had made a speech in contravention of an order under section 144 Criminal Procedure Code ?
>
> *A.*—No first information report was put in Court and, therefore, I cannot say whether this was the allegation against them. * * * *
>
> * * * * * * * * *
>
> I did hear that Sahibzada Faiz-ul-Hasan had made a speech in defiance of an order under section 144, Criminal Procedure Code.
>
> I do not accept the proposition that a man can make any kind of speech that he likes in a mosque. The speech made by Sahibzada Faiz-ul-Hasan was in a mosque.
>
> *Q.*—If you do not accept the principle that a person is entitled to make any kind of speech in a mosque and you did not know what kind of speech was

made by Sahibzada Faiz-ul-Hasan in the mosque, why were you a party to a resolution condemning the arrest of Sahibzada Faiz-ul Hasan for such a speech ?

A.—We were against the application of section 144, Criminal Procedure Code, for anything done in the mosques.

Q.—Did you consult the President of the Punjab Provincial Muslim League before you proposed this resolution ?

A.— No.

* * * * * * *

On the following morning I was, against my will, taken out of Gujranwala and dumped in Pindi Bhattian.

Q.—When did you return to Gujranwala?

A.—On the next day.

Q.—Did you then lead a procession?

A.—I did not voluntarily lead any procession. On 7th March when I returned from Pindi Bhattian and was near the Clock Tower, I came across a huge procession consisting of 30 or 40 trucks. I was made to sit on a truck by the agitators. The procession stopped outside the mosque near the City Police Station.

Q.—Did you then go inside the mosque?

A.—I was forcibly taken inside the mosque and threatened to sign the document which I have mentioned above.

Q.—Was the document that you signed the pledge of the Majlis-i-Amal?

A.—The form had been prepared by the Majlis-i-Amal.

Q.—Did the Muslim League, before the commencement of the disturbances, ever organise a public meeting to be addressed by the Ahrar?

A.—Once in the beginning of 1951, a *difa*' conference was called in Gujranwala.

This meeting had been called by six different parties, including the Ahrar, Islam League, Jinnah Awami League and the Jama'at-i-Islami.

Q.—Was a public meeting held on the occasion of '*Yaum-i-Mutalibat*' on 20th June, 1952?

A.—A meeting for this date had been proclaimed, but it was cancelled because of an order under section 144.

Q.—The information is that this meeting was held inside the Sheranwala Bagh Mosque and that it was addressed by Sahibzada Faiz-ul-Hasan, Sheikh Husam-ud-Din and Master Taj-ud-Din Ansari and that they were all arrested?

A.—As far as I remember, because public meetings had been prohibited by an order under section 144 of the Code of Criminal Procedure, a meeting was held on the occasion of Juma-tul-Wida' in the Sheranwala Bagh Mosque

* * * * * * * * *

Speakers at this meeting included Sahibzada Faiz-ul-Hasan, Sheikh Husam-ud-Din and Master Taj-ud-Din Ansari.

Q.—Are you quite sure that the case in which you were retained did arise out of the arrests made for the speeches delivered on this occasion ?

A.—The case did arise out of the speeches made on this occasion.

Q.—Do you remember if Maulana Akhtar Ali Khan addressed any public meeting in Gujranwala in connection with this movement?

A.—Yes.

Q.—Who gave the tea party?

A.—I gave this party not in my capacity as Secretary of the City Muslim League but by reason of my personal relations with the Maulana. The party was attended by almost all the Muslim Leaguers of the town.

Q.—Did any Muslim Leaguer condemn the agitation from public platform?

A.—It was not possible because of the overwhelming feeling in favour of the movement.

Q.—Did any office-bearer or any prominent member of the Muslim League take part in the agitation voluntarily?

A.—No. Some of them were of course forced to take part."

Mr. Aftab Ahmad, President, City Muslim League, Gujranwala, deposed as follows:—

"*Q.*—Did the Muslim League, as a body, or did any leader of the Muslim League ever condemn the agitation publicly?

A.—We had no instructions from the Provincial Muslim League. When the Chief Minister had visited Gujranwala on 17th February, we had asked for instructions from him. He had, however, said that he had received no instructions from the Centre. He had added that, if the instructions came from the Centre to crush the movement, the Punjab Government would act accordingly * * * * * * * *

The actual words used by him were: 'Sir, I can finish the agitation within two minutes but Khwaja Sahib does not let me do it.' Because there were no instructions, either from the Province or from the Centre, we were not in a position publicly to denounce the movement.

Q.—What object did the district officers have to encourage these men? (men in the City Muslim League opposed to the party of Mr. Aftab Ahmad and Mr. Manzur Hasan).

A.—It has been the custom with this batch always to curry favour with the officials. The district officers also wished to be popular by supporting the

> party which was supposed to be running the movement. The district officers did not like local Muslim League and, therefore, it was their policy to set up a rival party.
>
> *Q.*—Why were the district authorities against the local Muslim League ?
>
> *A.*—Because the Muslim League used to criticise the local administration."

Qazi Murid Ahmad is a member of the Legislative Assembly, having been elected on the Muslim League ticket. He is also a member of the Council of All Pakistan Muslim League, His status will be apparent from the following answers to the questions put by us:—

> "*Q.*—Which ticket did you stand on for election?
>
> *A.*—The Muslim League ticket.
>
> *Q.*—Did you ever before stand for election to the Provincial Legislature?
>
> *A.*—No.
>
> *Q.*—Did you have any chances of election to the Assembly if you had not obtained the Muslim League ticket?
>
> *A.*—Even if the League had not given me the ticket and I had to stand as an independent candidate, I think I would have succeeded.
>
> *Q.*—How much land do you own?
>
> *A.*—Twenty *kanals*.
>
> *Q.*—What do you do for your living?
>
> *A.*—Up to the date of my arrest I was a commission agent in grain business.
>
> *Q.*—Who gave you this licence?
>
> *A.*—District authorities.
>
> *Q.*—What income tax do you pay?
>
> *A.*—Nothing".

The witness was the President of the Majlis-i-Amal of Sargodha and took active part in the agitation, even after the programme under the resolution of 'direct action' had begun, for which he was arrested. The witness collected subscriptions for the Majlis-i-Amal and made some very strong speeches in favour of the demands and against the Government. The sort of things that he said at these meetings are reproduced below:—

> "Do not consider the policeman, the *thanedar* and the Deputy Commissioner as your rulers. Do not be afraid of them and do not care for them."
>
> "Muhammad Ali (the reference is to the present Prime Minister) went to Delhi to find a solution for the Kashmir problem. Well and good. But why did he take his wife '*ummul-momineen*' with himself? Brothers! his wife must be '*ummul-momineen*', because he himself is '*amir-ul-momineen*'. Well, '*ummul-momineen*' went to Delhi. The question involved was of the life

> and death of 35 lacs of Musalmans, but her little son got a scratch on the thumb and she ran back to Karachi."

> "Thirty-five lacs of Musalmans are facing death in Kashmir and this man (the reference is again to the present Premier) proclaims himself as the younger brother of Nehru. I would say 'Be a dog but do not be a younger brother'."

Referring to officers in that speech he said they were all disciples of the British and immoral. They gambled and they drank. "I once mentioned to Mr. Noon, the Chief Minister", he said, "that the Deputy Commissioner of a district gambles all night and doses during the day in Court. This representative of twelve lacs of people is a gambler and an adulterer. He has a depraved character but is Sahib Bahadur. Nothing was done on this complaint."

To continue with his evidence in Court:—

> "*Q.*—When did you draft the resolution which was submitted to the Council of the Provincial Muslim League ?
>
> *A.*—The resolution must have been drafted 10/15 days before the date of the meeting of the Council.
>
> *Q.*—Did you consult any one when you drafted the resolution ?
>
> *A.*—It was my individual act.
>
> *Q.*—Do you know that this resolution had dangerous possibilities?
>
> *A.*—No. I apprehended no danger from the resolution that I intended to move.
>
> *Q.*—Did you, before you sent your resolution, consult any higher authority in the Muslim League ?
>
> *A.*—No.
>
> *Q.*—Were you a supporter of the 'direct action'?
>
> *A.*—I know nothing about 'direct action', but what was intended to be done was '*rast iqdam*'.
>
> *Q.*—When did you hear the words '*rast iqdam*' for the first time?
>
> *A.*—I do not remember.
>
> *Q.*—In what connection did you come across the words '*rast iqdam*' ?
>
> *A.*—I read in the newspapers that the Central Majlis-i-Amal had passed a resolution threatening to resort to '*rast iqdam*' if the demands were not satisfied..
>
> *Q.*—What did you take '*rast iqdam*' to mean?
>
> *A.*—I took this expression to mean that Musalmans were to hold public meetings and pass resolutions to communicate the demands to the Government, arrange deputations in this connection to wait on the district officials but not to engage in any unconstitutional methods.

Q.—Before the resolution of '*rast iqdam*', had not deputations waited on Government and Government officials and had not public speeches been made almost everywhere in support of the demands throughout the Province?

A.—Yes. All these things had been done before, but, after the '*rast iqdam*' resolution, they were to be done more vigorously.

Q.—Do you know that your position as an M.L.A. is due to the Muslim League?

A.—Yes. I do realise it.

Q.—Did you realise that Government in power is a Muslim League Government?

A.—Yes, I knew it full well.

Q.—If '*rast iqdam*' meant civil disobedience or violation or breach of the laws of land, then you would certainly not have joined the movement?

A.—No. If I had taken '*rast iqdam*' to mean any such thing as the Court suggests I would have refrained from joining the movement.

Q.—Do you agree that any action on the part of a Muslim Leaguer which is intended to embarrass the Government or to depose it is a breach of fidelity to the League?

A.—If the matter is a religious matter, I would not care for the Muslim League or for the Muslim League Government."

Now the conclusions to be drawn from the evidence of these three persons are these. In the City Muslim League, Gujranwala, there are two rival groups, namely, the party of Mr. Aftab Ahmad and Mr. Manzur Hasan and the party of Sheikh Barkat Ali and Sheikh Muhammad Ashiq. The first party is in power and, reading between the lines, wishes to acquire control in the administration of the district. The second party which is not in power in the League but is in favour with the district officers wishes to oust the first party. Therefore, the first party in order to maintain itself in power must do something to enlist popular support, and could there be any better occasion for this party to make itself popular than *khatm-i-nubuwwat* and the consequent agitation against the Ahmadis? This party, therefore, considers it quite right to condemn the Government for having promulgated orders under section 144 to ban public meetings in mosques; it considers persons accused of having contravened such orders as heroes and demands, their immediate release; and it demands of the Government to withdraw those orders because they amount to interference in religion. In other words the City League instead of supporting the Muslim League Government and explaining to the people that mosques were being defiled by their being converted into places of public meetings by a political party opposed to the League, decides to condemn the Government because such condemnation was expected to make the party in power more popular and to defeat the designs of its opponent. For that purpose Mr. Manzur Hasan, the Secretary of the City League, would sign the Ahrar pledge, collect funds, lead processions and engage in every other activity under the programme of direct action. We don't believe a word of this witness when he says that he did all these things under duress.

Qazi Murid Ahmad was a nonentity in Sargodha, paying no income-tax and owning only twenty *kanals* of land. Anyhow, the Muslim League had him elected to the Legislative Assembly. Being thus a creature of the Muslim League, he considers nothing improper in his becoming a dictator of the district council of action and leading in his district a revolt against the Muslim League Government. Nor does he feel anything unbecoming in his collecting a large gathering around him and jeering at the Prime Minister of Pakistan and his wife and abusing everybody in office. Such things are justified to him in the name of *khatm- i-nubuwwat*.

The part which is proved to have been taken by the Muslim Leaguers, both before and after the commencement of the disturbances, is not at all surprising. In fact, such activities on the part of the members of the Muslim League were a natural consequence of the Muslim League resolution and the speeches made by the President of the Provincial Muslim League. The word 'canalise' has been used in the evidence in reference to the activities of Mir Nur Ahmad, Director of Public Relations, but it can be used quite aptly to describe the effect of the Provincial Muslim League resolution and its repeated exposition in speeches and newspapers. When ceaseless propaganda in the press in favour of the demands and emphasis therein on their constitutional nature came to the notice of Dr. Ishtiaq Husain Qureshi, who happened to be on a visit to Lahore in July, 1952, and it was complained to him that this propaganda was being carried on in newspapers which had received large sums of money from Government and that the propaganda was being carried on by Mir Nur Ahmad, he sent for this officer who admitted before him that his object in doing what he had been doing was to 'canalise' the movement. This admission, though denied by Mir Nur Ahmad, must be held to be proved, and the only meaning that can possibly be attached to this quaint metaphor is that Mir Nur Ahmad had created a channel for the movement to run in and that the natural flow of this channel could only be towards Karachi, because Karachi was the centre both of All Pakistan Muslim League and the Central Government. All the evidence, oral as well as documentary, of which there is a mass, including numerous articles from newspapers and speeches, shows that, after the Muslim League's resolution of 27th July, every one interested in the movement had come fully to comprehend the constitutional position that propaganda in the Provinces was useless and that unless the demands were brought in the regular manner before the Constituent Assembly, no tangible result could be expected from the agitation. All the energies of the parties, who were clamouring for the acceptance of the demands, were, therefore, diverted to the Central Government of which Khwaja Nazim-ud-Din was the head. If, therefore, Khwaja Nazim-ud-Din found himself unable to accept the demands, with the result that 'direct action' had to be resorted to and the disturbances broke out, the responsibility for what happened must as clearly be put on the Muslim League as on the All Pakistan Muslim Parties Convention which had formulated the demands and presented them to Khwaja Nazim-ud-Din at the point of pistol. During all this period, nothing was done by the Muslim League or any of its leaders to resist the movement or to offer to the people any counter-ideology. On the other hand, the Muslim League by its resolution had committed itself in such an irrevocable manner that, without bringing itself into utter contempt and unpopularity, it could not have subsequently gone back upon the view that it had formally expressed in its resolution and of which the best exponent was the President of the League himself. We have not the slightest doubt that there was more than one convincing reply to all this fuss and that if the Muslim League leaders had been able fully to comprehend the consequences following from the demands and had the capacity and the desire to save the Province from disgrace and ruination, they would have been able to do so. The Gujranwala and the Sargodha prosecutions and the Kup incident were object lessons, which, if properly taught, would have opened the public eye and weaned away people from an agitation that was being carried on by a few political adventurers to defeat the Government. We believe that our common man is essentially sound and that, though he is, as other people in the world are, religiously disposed, perhaps more than anyone else in the world, he is capable of understanding things in their true perspective if those things are properly placed before him. Honest and patriotic citizen of a new State as he is, he would have listened to our leaders if any effort had been made to explain to him the dangerous possibilities that underlay the current of popular feeling which had been aroused by a few politically frustrated men to wash their past sins. The man in the street could have understood, if properly told, that a political party, who were attempting to come into the field as a rival of the Muslim League, were using religion merely as a lever to raise themselves in the popular estimation and that they were making a fool of him. The Gujranwala and Sargodha contraventions of the order under section 144 were very apt illustrations of the manner in which religion was being exploited for political purposes. At Sargodha a regular public meeting had been held in a mosque on a Friday at 10 o'clock, and nothing more was needed than a challenge to the organisers of that meeting to show that Juma prayers could be said at 10 o'clock, with the name of the President of the meeting and the list of speakers having been previously and formally announced. The same had been the case in Gujranwala. This meeting also had been announced by posters and loudspeakers on the preceding day by the Ahrar; it had been stated in these announcements that Ahrar leaders whose names were mentioned were coming from different places to address the gathering. The meeting was again announced by a person while the *khatib* was delivering the *Khutba*, and it was actually held after Juma prayers were over. If any effort had been made by the leaders of the Muslim League to expose these tactics of the Ahrar, we have not the slightest doubt that people would have revised their attitude and understood and appreciated the Government's view.

Repeated appeals to democratic principles were made before us by learned counsel of the parties and it was vehemently urged that the demands were unanimous and that in a democratic country when a particular demand has such strong and universal support, the Government is bound to accede to it, irrespective of the consequences of its acceptance. It was said that our political leaders, who are elected by popular suffrage, are in their present positions merely because people have put them there and that therefore they are bound to act as their voters require them to do. The same principle has been reiterated before us on behalf of the Ministry and the Muslim League and it has been urged that in a representative form of Government a political leader can be described to be a representative of the people only if he respects and carries into effect the feelings, prejudices and aspirations of the people. We think that it is a poor ideal for our leaders to adopt. In a country where the bulk of the people are uneducated and only a small percentage of them is literates a recognition of this position would lead to the disconcerting result that our leaders must remain an embodiment of popular ignorance and prejudices and completely devoid of higher ideals. Where the elector knows the value of his vote and has the requisite sense and intelligence to understand problems peculiar to his country and broad world events and currents and has a sufficiently developed mind to form a right judgment on all matters of national concern, the leader has got to abide by the popular judgment or quit his office. But in a country like ours, we have little doubt that the true function of the leaders is to lead the people and not throughout be driven by them, as Mr. Qurban Ali Khan rightly put it: “at the head of the herd all the time”. It was this fear of becoming unpopular if anything bold or courageous was done that was mainly responsible for a complete absence of the ideology that was necessary to resist or prevent the movement which by its apparently religious appeal so rapidly permeated the masses. We are, therefore, of the opinion that our leaders failed in their duty and that they found themselves completely unable to rise to the occasion which demanded foresight, wisdom and all the qualities of true statesmanship. Throughout the period not one popular leader dared appeal to the common sense of the citizen. Even when the conflagration was in its fury, not one of them condescended to talk to the people and to explain to them that they ware being misled to a course, the only immediate result of which could be the shattering of the country to pieces. The President of the Provincial Muslim League says that if it had depended on his will he would have done his beat to see that the demands were not raised because they were not fundamental in themselves nor immediately necessary and that it was inopportune to raise matters of domestic controversy till Pakistan was secure. But there is no evidence before us of any serious effort having been made to place this view before the public prior to the resolution of 27th July; nor is there any proof of any effort having been made to discourage or dissuade the Muslim League branches from giving prominence to this issue. On the contrary, the Provincial Muslim League itself called its annual meeting at an inopportune time and the President himself drew up the resolution that was adopted by the Councillors.

One more thing, which is of great importance, we must mention at this stage. By some peculiar arrangement, the principle of which we have not followed, the leader of the Provincial Muslim League is also the Chief Minister of the Province. It may, therefore, happen, and in this case it did happen, that the leader of the Muslim League was also incharge of the department of law and order. If the same man occupies two different positions, then it is inevitable that the decisions taken by him or his party on the political side should, if they have reference, direct or remote, to matters to be determined on the law and order side, influence his policy in the latter sphere. But the functions of a politicians are essentially different from an administrator. As a politician a person or party merely lays down the policy. An administrator, however, has to use, irrespective of any political considerations, the existing machinery of law in order to maintain peace and order and to repel all attacks on the safety of society. This point has been demonstrated in the inquiry to a degree which leaves no room for doubt that grave consequences may follow from such arrangements. One of the points mentioned in the election manifesto of the Muslim League was its abhorrence of the Punjab Public Safety Act and an undertaking by the League that this piece of legislation, which is generally supposed to be repressive, would be repealed. Now the Punjab Public Safety Act was enacted because in the existing circumstances abnormal legislation of this character was considered to be necessary, so that the executive may have sufficient reserve powers to act in an emergency, should it be pregnant with a serious threat to the public safety or the maintenance of order. Section 3 of that Act empowers the Government to detain a person if such course is considered by Government to be necessary to prevent the person concerned from acting in any manner prejudicial to the public safety or public order. Section 5 of that Act, with the same object, enables the Government to make an order restricting the movements or activities of a person, including the order to restrain him from making public speeches. Section 6 of the Act gives to the Government extensive control on press and newspapers, but this control is only to be exercised to prevent a printer, publisher or editor of a newspaper from engaging in any activity prejudicial to the public safety or the maintenance of public order. Section 12 empowers a District Magistrate to prohibit the holding of any processions or demonstrations in any public place, or any public meeting. Section 21 declares it to be a punishable offence for a person to make any speech or to publish any statement, rumour or report, if such speech or publication causes or is likely to cause fear or alarm to the public, or if it defames or is likely to defame any Government in Pakistan or any servant of the Crown or if it furthers or is likely to further any activity prejudicial to the public safety or the maintenance of public order. Section 23 punishes the performance of any mock ceremony resembling any ceremony associated with or consequent upon death. Lastly, section 25 punishes a person who induces or attempts to induce any public servant or any servant of local authority to disregard or fail in his duties as such servant. These provisions of the Punjab Public Safety Act are in the nature of emergency legislation in the sense that they are to be used where the ordinary law fails and a grave danger to the peace and safety of the public is apprehended. The Act is intended to be used whenever a case for the use of these extraordinary powers exists because the ordinary law is insufficient to deal with the situation. Therefore, even though the Muslim League was against this piece of legislation, it was the duty of the leader of the League when he was incharge of law and order to use this extraordinary machinery if its use was considered by him to be necessary to remove any apprehended danger to public peace and order. Ever since the Ahmadi non-Ahmadi controversy began to assume the form of a threat to public peace and safety, action under one or the other provision of the Punjab Public Safety Act was recommended to the Ministry by officers who thought that recourse to such provisions was necessary, but when the matter came before the leader of the Muslim League in his capacity as Chief Minister of the Province, he took decisions which were dictated by the-Muslim League ideology, but which, looked upon from an administrative point of view, were wrong.

The record of the cases that were dealt with by the officers on the administrative side shows that recommendations were being made from time to time either to arrest a person under section 3 or to stop him from making speeches or to restrict his movements to a certain locality under section 5 or to prosecute him under section 21 for abusing high dignitaries of Government or for arranging their mock funerals, but the Punjab Public Safety Act was a hated Act to the politician and whenever any recommendation for taking action under that Act was made, it was looked upon with political spectacles and in the decisions taken the politician throughout dominated the administrator. An administrator in charge of law and order only looks at the law and order side of the step he is required to or wishes to take, while with the politician the first consideration is the effect of the proposed action on his own and his party's popularity. An interesting illustration of this mentality is to be found in the view that the Adviser for law and order took on Mr. Anwar Ali's recommendation of 30th December 1949 that certain Ahrar leaders be prosecuted under section 153-A of the Penal Code and section 21 of the Punjab Public Safety Act. Deciding against the proposed action Malik Muhammad Anwar, who was a politician, remarked that it was not advisable to take any action against the Ahrar "as the Muslims are very touchy on the point of Ahmadism and to prosecute the Ahrar for their vituperations against the Ahmadis would give them an air of martyrdom in the eyes of public which they do not deserve". The same view was repeated by him subsequently, and Mr. Daultana throughout seems to have abhorred taking any action under the Punjab Public Safety Act where he thought that the action taken would be unpopular. In one of the cases he definitely ruled that he was not in favour of taking any action under the Punjab Public Safety Act and, thereafter, the officers to whom this Act came in handy for the preservation of public safety or the maintenance of public order ceased to bother themselves about it any longer. Now the principle of the politician, when he is acting as an administrator, that a certain action which is open under the law or which the exigencies of the case require to be taken under the law should not be taken because it would excite popular dissatisfaction, comes perilously near the proposition that if a murder is applauded by the public and the prosecution of the murderer would be resented by the public or would excite public sympathy with the accused, the murderer need not be punished. All suggestions or proposals for prosecution which came up before the Government in the course of the agitation appear to have been approached and decided on this principle. The case of contravention of orders under section 144 by organising public meetings in mosques is another instance. The Ahrar and the *ulama* could put up a plausible contention before the public that Government was prohibiting something being done in the mosques which was permitted or enjoined by their religion and that these orders of Government amounted to an encroachment on the religious rights of the people. We have already said that the allegation of interference with religion was false and an unfounded calumny on Government, but when no counter propaganda was done by Government agency to refute these allegations and the offenders became the object of public admiration and began to be considered as heroes, the Chief Minister concerned himself only with the possible reaction of this feeling on the position of the political party to which he belonged. And when the news of the Kup incident, in which the police had used force and caused some casualties, which use of force was subsequently found to be justified by a High Court Judge who held an inquiry into the incident, was received and public indignation over the incident gauged, the administrator completely surrendered himself to the politician and not only convicted offenders were released but pending cases and orders under section 144 were withdrawn, and after this no action of any kind seems to have been taken against the Ahrar or other agitators who were left free to carry on their propaganda in any form and to any extent that they liked. The result, therefore, was that beyond warnings, which time out of number were administered to the Ahrar till their repetition became a joke, many warnings having been administered by different officers to the same man on different occasions, no effective action of any sort was taken.

Several prosecutions under section 153-A and section 295-A of the Penal Code were also recommended by several officers, and there can be no two opinions that offences under these two sections were committed by the parties whose prosecution was proposed, but no prosecution was ever ordered or launched, though there was at a very late stage a cryptic order that where an offence under the ordinary law has been committed the offender may be prosecuted. The result of the omission to take strong and effective action against those who were spreading a volume of hatred against the Ahmadis and their leaders is obvious. Faith is a matter for the individual and however, false, dishonest or ridiculous it may appear to be to another, it may still be held sincerely and honestly by the person who professes it, and we have not the slightest reason to doubt that the Ahmadis hold the founder of their community and its subsequent leaders including the present head in deep reverence. Any attack on these personalities must, therefore, have deeply wounded the religious susceptibilities of the Ahmadis. There can also be no doubt that the extent of propaganda, involving abuse and ridicule, that was being carried on on such a large scale throughout the Province, must have caused the Ahmadis to be looked upon with despise and hatred. Therefore, omission to take action against those who were responsible for poisoning the public feeling against a small community can only be attributed to a desire to avoid the taking of some step which might excite public dissatisfaction, however deep and grievous the injury to that community may have been. And all this was due to the Muslim League and its leaders' desire to remain popular with the masses and not to do anything which by its repercussions on the electorate might throw the League out of office.

The same desire prompted Mr. Daultana to issue his statement of 6th March 1953. That this statement was dishonest in the sense that it was no more than a political move taken in desperation to avert the imposition of Martial Law is admitted before us. The same is the conclusion to be drawn from the fact that subsequently this statement was withdrawn on 10th March by Mr. Daultana himself. Why was this statement then issued at all, and at a time when Mr. Daultana knew that the decision to impose Martial Law had either been actually taken or was about to be taken? The only answer can be that it was the desire to remain popular with the masses that dictated this step. Mr. Daultana did not give a moment's thought to the implications of this statement and the extreme embarrassment that it was bound to cause, and did cause, to the Central Government, To whatever straits the Central Government might be put, thought Mr. Daultana, he himself should do something which might make him popular.

PRESS

We have described and commented at length on the activities of the press during the relevant period. The worst offenders in this respect were the ‘Azad’, the ‘Zamindar’, the ’Ehsan’, the ‘Afaq’ and the ‘Maghribi Pakistan’. The first of these was a purely Ahrar paper, but the other four papers were certainly susceptible to Government influence because of the large aid they had received from Government. The ‘Afaq’ was practically Mr. Daultana’s own paper. In any case, it was directly under the control and supervision of Mir Nur Ahmad, who, as Director of Public Relations, was in matters of policy subject to the control of Mr. Daultana. We cannot imagine, as Dr. Ishtiaq Husain Qureshi could not, that Mr. Daultana was not aware of the nature and volume of stuff that these papers were pouring out during this long period. If the article in the ‘Afaq’ of 1st June was representative of its past attitude towards the movement, then it was till then taking a sensible view of the controversy; but in early July there came a sudden change in its policy and it started not only devoting unusual attention to the agitation but entirely changed its views on the subject, and in their policy and argument its articles began to present complete coincidence with the resolution of the Muslim League and the speeches of Mr. Daultana. Probably it borrowed its views from the resolution and the speeches, but it is equally possible, though there is no direct evidence of it, that there was some collaboration between Mr. Daultana and Mir Nur Ahmad, who was controlling the policy of this paper, with the object of diverting the direction of the storm to Karachi. In any case, this was the natural effect of the articles which this paper wrote after the Provincial Muslim League's resolution of 27th July.

The “Zamindar’s” popularity and circulation is stated to have been due to its constant abuse and ridicule of the Ahmadis. We, however, do not believe that if the Director of Public Relations, in view of the substantial help that Government had given to this paper, had wished to control its activities, it would have persisted in its attitude, particularly in view of the relations that existed between Maulana Akhtar Ali Khan and Mr. Daultana himself. The ‘Ehsan’ and the ‘Maghribi Pakistan’ could certainly not have afforded to displease the Director of Public Relations. The Government aid to the former was a sheer windfall, and in view of its small publication the contribution to the latter was substantial. These papers also carried on a vigorous propaganda in favour of the demands, with the result that it began to be more and more clearly recognised that to have the demands accepted it was necessary either to convert Khwaja Nazim-ud-Din to them or to threaten him into submission.

In an earlier part of the report we have reproduced the substance of the articles which these newspapers wrote on the controversy. The unusual interest that they took in the subject by repeatedly writing on it and the manner in which they attempted to justify the demands clearly show that their intention was to fan the agitation and to make it as much widespread as they could. Not one word is to be found anywhere in the columns of these papers to discourage or disapprove of what was happening in the Province in this connection. Publication of long and argumentative articles to show that Ahmadis were a separate community, sensational news of events and incidents connected with the agitation, results of interviews, speeches made in meetings and of resolutions passed in mosques and elsewhere could only lead to the spread and accentuation of the agitation, and this result was not only known to these papers but must have been intended by them. Further, the point sought to be made by these papers that the demands were within the cognisance of the Centre could only have the effect of diverting the course of the agitation to Karachi. Earlier we have accepted the allegation against the Director of Public Relations that he was a party to this policy of 'canalising' the movement towards Karachi, and all these papers who were, with the exception of the 'Azad', under an obligation to the Director of Public Relations and susceptible to his influence, seem to have borrowed their policy in this respect from him. They were, therefore, all responsible for the situation that was created by the rejection of the demands and, therefore, for the consequent disturbances.

CENTRAL AND PROVINCIAL GOVERNMENTS

KHAWAJA NAZIM-UD-DIN *v.* MR. DAULTANA

The Central and Provincial Governments headed by Khwaja Nazim-ud-Din and Mr. Daultana respectively have both been brought in by parties for a share in the responsibility. Against Khwaja Nazim-ud-Din it is alleged that he took no cognisance of the demands and no action thereon though they had been formally placed before him as early as August 1952 and that even after the ultimatum was delivered to him on 22nd January he did not feel concerned till he came to know on 26th February 1952 of the decision to picket his house on the following morning. Indeed Mr. Daultana contends that Khwaja Nazim-ud-Din's silence and indecision, his wavering attitude and his long and frequent parleys with the *ulama* were the main cause of the disturbances. The parties are, however, not agreed as to what Khwaja Nazim-ud- Din's attitude should have been. While the Ahmadis allege that there would have been no disturbances if the Central Government had immediately and publicly rejected the demands and given a clear and mandatory directive to the Province firmly to deal with, and use all legal machinery against, those who were agitating for the demands, the non-Ahmadis parties unanimously contend that there would have been no unrest or disorder if agreement with the demands had been announced earlier and necessary steps taken or promised in recognition of the demands. Mr. Daultana does not suggest what action should have been taken by Khwaja Nazim-ud-Din on the demands. His complaint is limited to Khwaja Nazim-ud-Din's not having decided, upon and announced a policy, whatever that policy might have been.

Khwaja Nazim-ud-Din was confronted with a peculiarly difficult and personal problem. There is every indication that he was impressed by the religious aspect of the demand which required the declaration of Ahmadis as non-Muslims, and it is perfectly clear that he did not wish to offend the *ulama*, by a categorical rejection of the demands. Straight and sincere as he is in his religious convictions, he held the *ulama* in deep veneration. He was also conscious of the great influence the *ulama* had come to exert on the affairs of the country. Their high position was implicit in the Objectives Resolution, and some of them who had associated themselves with the movement were members of the Ta'limat-i-Islami Board, attached to the Constituent Assembly. A head-on clash with them was, therefore, unthinkable. Of course he could have accepted or promised his personal support to the demands. In that case there would have been no fuss, except possibly when the matter came up before the Constituent Assembly. Disturbances in that event there would have been none, and Khwaja Nazim-ud-Din would have been a popular hero in Pakistan. The Ahmadis were a small community and could not have possibly offered any resistance or created any disorder. There might have been some stir in international circles over Chaudhri Zafrullah Khan's removal but the populace of Pakistan would have acclaimed the step.

Why did not, then, Khwaja Nazim-ud-Din take this obvious step ? Not merely because, as he says, that such declaration would not have been effective in other Muslim countries but because of the far reaching consequences of that step, which have been mentioned elsewhere in this report. If the demands had been accepted, Pakistan would have been ostracised from International Society.

Between the alternatives of a head-on clash with the *ulama* and the excommunication of Pakistan, the only course left for Khwaja Nazim-ud-Din was an appeal for mercy to the *ulama*— appeal in the name of the country, in the name of the people who were faced with imminent starvation. But what are profane considerations such as country, people and hunger against the wish and command of Allah, and it is with that wish and command that the *ulama* had come to Khwaja Nazim-ud-Din. They were, therefore, adamant, inexorable. Khwaja Nazim-ud-Din reminded them that Chaudhri Zafrullah Khan had been appointed to his office by the Quaid-i-Azam himself, and would they not respect the judgment of the deceased founder of the State ? But though everything else in the world may change, the *ulama*'s views, once formed, do not, and the argument failed to convince them. According to the evidence, Khwaja Nazim-ud-Din also attempted to create a split among them and offered a Ministry to one of the parties. Khwaja Nazim-ud-Din is an honourable man, too honourable to resort to such tricks, but he was also a politician and in politics the man not infrequently is lost in the politician. And among the *ulama* too there are men of honour, men who have the strength and courage of their convictions and cannot be lured by any worldly attraction. The attempt to divide and bribe, therefore, failed. Thereafter Khwaja Nazim-ud-Din began to temporise, and once even thought of calling religious divines of the entire Muslim world to help him out of the difficulty. But the *ulama* had already waited too long and would wait no longer. They decided on a direct action programme.

Khwaja Nazim-ud-Din had now no course left open to him except that of accepting the challenge or abdicating. He chose the first and arrested the *ulama*. During the general discussion on the budget several weeks later, while explaining in Parliament how proclamation of Material Law had become inevitable in Lahore, he described the act of the *ulama* as undemocratic and anti-Islamic. He attempted to make out that most of the *ulama* were against the direct action and that the Ahrar group of *ulama* alone had started that action. He does not seem to have been right in this because the direct action resolution had been unanimously passed as early as 18th January in the All Pakistan All Muslim Parties Convention in which the *ulama* of all schools of thought were present, though the form of direct action was decided upon later, and the point is that if Khwaja Nazim-ud-Din was clear in his mind that direct action was undemocratic and un-Islamic and against the best interests of the country, why did he not publicly say so earlier when the ultimatum to resort to that action was given to him by a deputation of the *ulama* that waited on him on 22nd January. His long continued parleys with the *ulama* were advertised in almost all the papers and created among the people the impression that he appreciated the viewpoint of the *ulama*. And even when he decided on the 27th of February to reject the demands and arrest the *ulama*, the reasons that he stated for the action taken by him were not made public. In fact the Punjab Government were expressly directed not to disclose that the views they were directed to publicise were the views of the Central Government. Now what is the inference to be drawn from the direction that the views of the Central Government were to be kept secret ? The inference can only be one—the Central Government were not sure of their ground or they did not wish to he associated with a step that might turn out to be unpopular.

This policy of indecision, hesitancy and vacillation which the Central Government pursued for several months had its repercussions on the situation in the Province. Of course law and order was a Provincial subject but in situations like these where the whole population is seized with religious frenzy, something more than a motion of legal and administrative mechanism is necessary, and this ‘something’ did not exist in the Punjab and was not thought of in Karachi. The result, therefore, was that the storm continued brewing and when it burst it burst with fury. The proper time to stop it or be involved in it was when the threat of direct action was communicated to Khwaja Nazim-ud-Din but he seems to have taken it as an empty threat or to have relied on his personal influence with the *ulama*.

Against Mr. Daultana the allegation in the written statements, oral evidence and arguments before us is that he engineered the agitation in a game of higher politics. Indeed Mr. Fazal Ilahi at one time seemed to suggest that this game was being played by Mr. Daultana not only in domestic but in international politics, the object being to throw out Khwaja Nazim-ud-Din, set up a Central Government under Mr. Daultana’s own leadership and to convert Pakistan into a communistic state. We have carefully examined the evidence having a bearing on this part of the case but do not think Mr. Daultana could have had any object in starting or encouraging the agitation in its earlier stages. He had a comfortable position here and, bed of thorns as the premiership of Pakistan is, we do not think that office could have held any attraction for him. Nor do we think that he was so ambitious as to have played a game of international politics over the issue of *khatm-i-nubuwwat*. These possibilities appear to us to be somewhat remote and relate to matters which are not capable of proof. From the very beginning he seems to have clearly realised that the storm was brewing and that it was bound to grow in volume and intensity. He was as anxious to avoid a head-on clash with the *ulama* as Khwaja Nazim-ud-Din himself was. But while the latter relied on human ingenuity to discover some means to dissolve the impending storm, Mr. Daultana was sensible enough to judge that in such matters human ingenuity is not a very reliable factor to count on and that such problems are not solved by a fortuitous combination of circumstances. He knew that the storm was coming but he could not, like Khwaja Nazim-ud-Din, feel that if he just buried his head in the sand, the storm would blow over. Having seen clear signs of the coming gale, the only course for him to keep out of it was, if possible, to divert its course.

Nor is there sufficient evidence before us to hold that Mr. Daultana deliberately started the movement or that before the All Muslim Parties Convention of 13th July 1952 at Lahore he did anything to encourage it. Before he appeared in this Court Maulana Akhtar Ali Khan had made two statements, one at his trial by a Special Military Court and the other in the form of a petition to the present Chief Minister on 12th April, 1953. In both these he alleged that Mr. Daultana, with whom he had fairly intimate relations, more than once instructed him to push the movement against the Central Government and to keep the Punjab Government out of it. In his statement before the Military Court he had also referred to a talk which Master Taj-ud-Din Ansari had with him and in the course of which Ansari had stated that Mr. Daultana. had expressed his agreement with the anti-Ahmadi propaganda. In that very statement Maulana Akhtar Ali Khan had further stated that both Master Taj-ud-Din Ansari and Maulana Abul Hasanat had informed him that the *hartal* of 16th February at Lahore was to be organised and made successful under instructions from “the people in power”.

Maulana Daud Ghaznavi also had made similar allegations against Mr. Daultana in a statement before a military officer. He had said there that once Maulana Akhtar Ali Khan had told them that Mr. Daultana had promised funds for the movement and that on another occasion some leaders including Maulana Abul Hasanat and Master Taj-ud-Din Ansari had informed him that they intended to start the movement in Karachi and on being asked the reason thereof had alleged that the direct action movement could not be started in Lahore unless they consulted the Chief Minister. Maulana Daud Ghaznavi had further mentioned in that statement that the view expressed by Maulana Abul Hasanat and Master Taj-ud-Din Ansari was later confirmed by Maulana Akhtar Ali Khan during the meetings of the Majlis-i-Amal and that Maulana Akhtar Ali Khan in a subsequent meeting of the Majlis-i-Amal had admitted that Mr. Daultana had promised to him that nobody would be arrested in the Punjab for taking part in the anti-Ahmadi movement.

In the inquiry Maulana Akhtar Ali Khan was questioned by us about his talk with Mr. Daultana and he denied it. His previous statement before the Military Court is not therefore substantive evidence. The remaining portions of Maulana Akhtar Ali Khan's and Maulana Daud Ghaznavi's statements all refer to hearsay and are therefore completely inadmissible. The other evidence against Mr. Daultana is contained in the statement of Maulana Amin Ahsan Islahi and a letter written by Maulana Abul Ala Maudoodi. But neither the statement nor the letter is anything more than opinion which must be ruled out as irrelevant. We cannot, therefore, act upon anyone of these pieces of evidence. In the same way the evidence of Dr. Inayat Ullah Salimi that Maulana Ghulam Ghaus Sarhaddi had once given out that the movement had the support of Mr. Daultana is inadmissible hearsay while his further statement that the public inferred from the activities of the Muslim Leaguers in Sheikhupura that the movement had the support of the Government is merely irrelevant opinion.

Khwaja Nazim-ud-Din has deposed that Mr. Daultana wanted to control the Centre in the appointment of the representative of the Punjab in the Central Government. Khwaja Nazim-ud-Din gained this impression only after differences between him and Mr. Daultana had arisen in regard to the parity proposal which the Basic Principles Committee had recommended. The report of the Basic Principles Committee was published sometime in December and, therefore, it is obvious that before the publication of that report Mr. Daultana could not possibly have this object in view. After the publication of the report a Punjab *versus* Bengal issue arose in an acute form over the parity question, the Punjab view being represented by Mr. Daultana and the Bengal view by Khwaja Nazim-ud-Din. The issue almost assumed the form of a personal dispute between these two gentlemen. Khwaja Nazim-ud-Din states that Mr. Daultana had signed the report of the Basic Principles Committee which had proposed parity, while Mr. Daultana's case is that he never gave his unqualified assent to that proposal and that he signed the Basic Principles Committee's Report subject to a note of dissent written by him. Whatever may be the actual position, and the document is not before us to find which version is true, there is no doubt about the fact that after the publication of the report, Mr. Daultana took a strong stand in favour of the Punjab view and mobilised public opinion in its favour. Khwaja Nazim-ud-Din's own case is that when he visited the Punjab to gauge public opinion on this issue, the several deputations which waited on him were briefed and instructed by Mr. Daultana himself and that the arguments urged before him by each deputation were identical, having been written in exactly the same words. He alleges that all those written briefs were provided to the several deputations by Mr. Daultana himself. It is, therefore, clear that there was a tussle over this issue between Khwaja Nazim-ud-Din and Mr. Daultana, and it is quite possible that Mr. Daultana might have, thought that if he succeeded in displacing Khwaja Nazim-ud-Din, the Punjab's chances of getting out of the parity proposal might improve and that with this object he might have, with a more easy conscience, attempted to involve Khwaja Nazim-ud-Din in trouble in order to do away with his opposition. But, as we have already pointed out, the policy to divert the movement to Karachi had been adopted by Mr. Daultana long before the publication of the Basic Principles Committee's Report, and there is no evidence before us that after the publication of that report he gave any direction in the matter to the *ulama* or the organisers of the movement to intensify their activities. The *ulama* had already had several interviews with Khwaja Nazim-ud-Din before the publication of the report and their subsequent activities in Karachi, including the passing of the direct action resolution and the delivery of the ultimatum, were merely the outcome of a course of action which they had already decided upon.

The above conclusions do not contradict our finding recorded while dealing with the case against the Muslim League that after the All Muslim Parties Convention at Lahore, and more particularly after the Muslim League's resolution of 27th July, Mr. Daultana's policy consistently was to divert the course of the movement towards Karachi, so that the Punjab may be saved from its ravages. That finding is based on the terms of the League resolution itself, Mr. Daultana's own speeches including his statement of 6th March 1953 the effect of which has been fully discussed above under "Muslim League", numerous articles in the press, Mir Nur Ahmad, Director of Public Relations' activities, and other circumstantial evidence. In his evidence Khwaja Nazim-ud-Din has used a very apt simile while complaining that Mr. Daultana wished him "to hold the baby". If the demands be compared to a baby, the whole subject of responsibility can be put into a single sentence and that is that the Ahrar gave birth to a baby and offered it to the *ulama* for adoption who agreed to father it, and that anticipating that the baby would cause mischief if it grew up in the Province, Mr. Daultana cast it on a canal, dug with the assistance of Mir Nur Ahmad and watered by the press and Mr. Daultana himself, to flow down Moses—like to Khwaja Nazim-ud-Din who in the apparent good looks of the baby noticed a frown and something indefinably sinister and therefore refusing to take it in his lap threw it away, with the result that the baby kicked and raised up a row which enveloped the Province of its birth and threw both Khwaja Nazim-ud-Din and Mr. Daultana out of office. The baby is still alive and waiting for some-one to pick it up. And in the God-gifted State of Pakistan there are careers for everybody—political brigands, adventurers, Non-Entities. The only two persons who have denied such careers for themselves before us are Khan Sardar Bahadur Khan, the Communications Minister, and Mr. Hamid Nizami, the editor of the 'Nawa-i-Waqt'. They have repudiated the baby, with all its consequences.

PART VI

ADEQUACY OR OTHERWISE OF MEASURES TAKEN BY CIVIL AUTHORITIES TO MEET THE SITUATION.

ADMINISTRATIVE MACHINERY.

This part deals particularly with the adequacy or otherwise of the measures taken by the civil authorities to meet the agitation, but is by its very nature bound up with the circumstances leading to the imposition of Martial Law on the 6th of March 1953. Here and there it may be difficult to avoid references even to the "Responsibility" section, for the transaction is one, and water-tight compartments are neither possible nor advisable.

The witnesses.

We are dealing with the evidence and conduct of persons who have held or still hold eminent positions in the political or official life of the country. With some we may have personal friend-ship, for others we have admiration, whether for their astuteness, intelligence or sincerity of purpose. It would, therefore, be embarrassing for us to give expression to pronounced views about them with the insolent confidence of a demagogue. Where there is a conflict in evidence and the matter is not important, we prefer to say that it is unnecessary to pronounce judgment. Where the matter is important, we should merely say it is proved or not proved. Then, again, it should be clear that we are examining the administrative machinery as a whole, and not the conduct of any particular authority. That conduct will become relevant only to the extent that it has a bearing on the functioning of the machine. It is only where a particular officer voluntarily takes upon himself a greater burden than the situation warrants, as in the case of the District Magistrate of Lahore, that it should be necessary to see whether the burden has been discharged. It is only where an officer has allowed extraneous considerations to influence his policy, as the Director of Public Relations appears to have done, that his conduct should be individually scrutinized.

The same.

The majority of witnesses gave evidence with the realization that they were being examined by intelligent persons, and that it is a moral offence to insult intelligence. We are grateful to them. We were particularly struck by the sincerity of purpose which inspired Khwaja Nazim-ud-Din. Not all people may agree with his views, but at times, when he was speaking, he scintillated flashes of a light "that never was on sea or land". Some few of the witnesses were not so frank. We are not grateful to them, but realizing as we do that habit is second nature, we can be indulgent. Evasiveness and prevarication are vices more distasteful to a court of law than an error of judgment in a riotous situation, and our advice to these gentlemen is to re-adjust their mental equipment.

And this is indeed the main object of our exertions. Whatever may have been the intention of Government in directing this inquiry, it has given us an opportunity to ask our officers, on whom lies the burden of administration, to bear this burden in the traditions of the steel-frame, when we saw the erect figure of a district officer in the middle of an excited procession, a soft smile on a firm mouth, determination written on his face. We are particularly anxious to address ourselves to these gentlemen because the politician is, and ought to be, the judge's despair, and what is meat for the one is poison for the other. A strong administrative service is God's own boon to people—and a boon unto the Government also, if the Government is that of the people. You will remember that it was the presence of three or four "stout fellas" in Karachi belonging to the services that saved the boat from capsizing.

Difference between "Law" and "Order"

We can start with facts which are axiomatic. The maintenance of law and order is the duty of the provincial government and the primary concern of every civilized government, irrespective of every other consideration. But law and order are two different terms, and a person may make a speech or write a pamphlet which offends the law but which does not lead to disorder. A government would, therefore, be failing in half of its duty if it ignores such a speech on the ground, for instance, that although a month has passed since the speech was made or the pamphlet written, nothing untoward has happened. It is overlooked that this attitude offends the majesty of law and gradually comes to breed contempt in the minds of the speakers, writers and a multitude of readers. It was partly by reason of this cultivated frame of mind that humiliating challenges were delivered to authority. Since this ultimately recoils on the "order" situation, it is well for the administrator to bear in mind that people should be disciplined to keep within the bounds of law.

The Law and Order officers.

In the provincial sphere, the Chief Minister, Mian Mumtaz Muhammad Khan Daultana, was the Minister in charge of Law and Order, and he was assisted by the Chief Secretary, the Home Secretary, the Inspector-General of Police and the Deputy Inspector-General of the C. I. D. According to the Rules of Business, the Chief Secretary is in charge of "public tranquillity", and for other police matters including the administration of the Public Safety Act, the secretariat work is dealt with by the Home Secretary, who acts as the Chief Secretary's assistant in the sphere of law and order. All important cases relating to law and order pass through the Chief Secretary, who is also the head of the political branch of the C. I. D. The Inspector-General is Joint Secretary in the Home Department and in charge of internal defence. The D. I. G. (C. I. D.), is responsible for the provincial intelligence organisation and assists both the government and the district officers. He marks papers about political matters direct to the Chief Secretary or Home Secretary, according to the subject, but in respect of criminal matters through the Inspector-General.. The collection of intelligence is the responsibility of the C. I. D. and the District Security Staff, the latter being under the Superintendent of Police, and the two work in collaboration. In Lahore particularly, Intelligence is collected mainly by the provincial C. I. D. The District Magistrate is the head of the criminal administration of the district and is responsible for the maintenance of law and order. The police force in a district is under the general control and direction of the District Magistrate.

Home Secretary and D. I. G. (C. I. D.) bear the burden.

Through the courtesy of Government, we had the benefit of over a hundred of the C. I. D. files relating to the Majlis-i-Ahrar or kindred matters, and we have studied quite a number of them cover to cover. What we saw was that when a matter came up before the D. I.. G. (C. I. D.), he generally marked it to the Home Secretary, but that on a few occasions the Inspector-General and on still fewer occasions the Chief Secretary also wrote. It has not been clear to us how far in practice the Inspector-General and the Chief Secretary come into the picture, but the burden seems to be carried by the Home Secretary and the D. I. G.

Chief Minister lays down policy only.

As we understand the case, the Chief Minister lays down the policy and the Secretaries work out the details. But Mr. Daultana himself admits—and this should be borne in mind when examining the policy in action—that it would be his duty to interfere if a glaring case of inaction came to his notice.

Mr. Daultana's plea : policy of firmness. Officers responsible for details.

Concept of "millat" in Pakistan gave things a different complexion.

Ahrar raised a religious issue.

Centre avoided clash with Ulama.

Kh. Nazim-ud-Din favoured acceptance of Demands.

Mr. Daultana's plea is that so far as the law and order position went, his policy was one of firmness, and that he had done nothing contrary to the advice of his officers. In other words, if in the working out of details any infirmity is detected, the responsibility will be hat of the officers. He further says that the law and order situation was made difficult by the appearance of a new phenomenon on the political horizon, a phenomenon which affected the entire country and which consequently could be adjudicated upon by the Centre alone. Under the British rule, since Muslims were fighting a political battle on many fronts, nominal unity with those calling themselves Muslims was necessary. With the emergence of Pakistan as a national state of Muslims, the concept of "millat" captured the imagination in preference to "watan" or country. After the passing of the Objectives Resolution, it was not open to anybody to say that religious issues were not relevant to a political discussion of the country's future. The Ahrar had no doubt a disreputable past, but they were clever enough to select a religious issue out of their old armoury, and the main body of Ulama made a common cause with them, partly by way of a reaction to the Jahangir Park meeting of the Ahmadis, held in Karachi on the 17th and 18th of May 1952, and presided over by Ch. Zafrullah Khan (He does not say that it was the Ahrar who made common cause with the Ulama). Several efforts were made to obtain from the Centre a declaration of firm policy in respect of the three Demands, but Khwaja Nazim-ud-Din, anxious to avoid what he termed "a head-on clash" with the Ulama, always remained indetermined, carried on negotiations with the Ulama right up to the end, and in the last resort counted on a reference to the Ulama of the entire Muslim world. There were indications that he favoured acceptance of the Demands : The Basic Principles Committee recommended, with his approval, that a Committee of Ulama should have a virtual veto on the working of the Legislature : he carried on direct negotiations with the Majlis-i-Amal on terms of perfect equality : the communique of 16th August, 1952, admonishing Ministers and officials against abusing official position for the propagation of religious doctrines, was clearly directed against the Ahmadis: Ch. Zafrullah Khan, a Minister of the Central Government, was being impudently abused in the press and on the platform, but no action was taken.

Muslim League Council, 26th July, 1952: Mr. Daultana's attitude.

Although Muslim Leaguers in general regarded the issue as a religious one, and could not detach themselves from its emotional appeal, Mr. Daultana persuaded them in the Council meetings of the 26th and 27th July 1952 to refrain from resolving that the

Ahmadis should be declared a minority, as a provincial organization was not competent to decide matters which fell within the jurisdiction of the Central Council and the Assembly. He made it clear to them, however, that whatever be the decision of the Centre, it was the duty of the province to preserve law and order and protect life and property. (C. & M. Gazette, 28th July, 1952).

Attitude of pro-League papers.

Next he made his views clear to the pro-League papers in July, 1952, and thereafter the "Ehsan", the "Afaq" and the "Maghribi Pakistan" blacked out sectarian propaganda. The fourth pro-League paper, the "Zamindar", was in the good books of the Centre and received numerous favours from that quarter.

Action against sectarian meetings.

Last but not least, (continues Mr. Daultana) adequate administrative action was taken against sectarian meetings. Both Ahmadi and Ahrar meetings were banned in June 1952, resulting in vicious propaganda that the Government was interfering with mosques. For when the ban was imposed, the Ahrar held meetings in mosques. Some prosecutions were launched nevertheless and some persons convicted, with fruitful results ; the Ahrar brought a deputation on the 19th July 1952, and later published a statement that it was not their intention to resort to violence and that they would help Government in maintaining law and order. On this assurance Mr. Daultana withdrew the ban and the prosecutions, and released the convicts.

Unilateral action not possible

He maintains that it was not possible for him to take unilateral action against the Ahrar for the preservation of law and order. Firstly, it might have resulted in a conflict of policy with the Centre or the provinces. Secondly, after the 8th of August, 1952. when it was decided at the Karachi meeting of the Cabinet Ministers, Chief Ministers and Governors to avoid direct clash with the Ulama, and to exert personal influence, it was not left open to take action. Lastly, it was not a particularly bad situation in the beginning of 1953 : the outbreaks of June and July 1952 had been controlled, the Ahrar. had given an undertaking and the Centre was negotiating with the Ulama.

Khatm-i-nubuwwat : Ahmadis' fanatical tendencies

In respect of the agitation itself, Mr. Daultana's view was that the *Khatm-i-nubuwwat* doctrine was a sacred tenet of Islam and the Ahmadis were non-Muslims. It was accentuated by the "exclusive separatists, uncompromising and fanatical tendencies" of the Ahmadis themselves. The Ahrar took advantage of it to redeem lost power and credit. Nevertheless, the movement was inopportune at a time when the country was faced with internal and external danger. Viewed in international context, it was a highly debatable issue and weighty arguments, political and practical, could be urged against it. Above all, any movement which aroused sectarian bitterness was fraught with grave consequences.

But, in short, "we could not control the effect without checking its cause".

Kh. Nazim-ud-Din's defence.

Agitation directed to Centre by the province.

Khwaja Nazim-ud-Din agreed that Mr. Daultana pressed the Centre for a decision, but that he did so in order that responsibility should shifted to the Centre. He told even the Constituent Assembly in March 1953, that the agitation appeared to have been prompted by power politics. He denied that in the August conference at Karachi there was any decision that direct clash with Ulama was to be avoided: the general trend of the discussion was that the best way to meet the situation was to adopt the principles enunciated in the communique of 14th August, which, if given effect to properly, would remove the root cause of the double which was the grievance that religious propaganda was carried on under official patronage. This communique, he maintained, defined the attitude of the Centre to the Demands. As regards the Ulama, since his approach to the Demands had always been that they were impracticable, it should have given to the Ulama an impression that they were unacceptable. It is true that he never rejected them finally, but he advised the Ulama not to press them and told them that human ingenuity surely ought to be able to devise a solution without accepting or rejecting the Demands. He further told them it was no part of the duties of the Government to declare a section of the population as a minority. That was the function of the Constituent Assembly. He adds that he himself was not prepared to have the Ahmadis declared a minority, but that he was not prepared to tell the Ulama so, as that would have resulted in a "head-on clash" with them which he wished to avoid. He did tell them, however, that it was not in the interest of the country to press the Demands and very difficult to accept them, that even in the Constitutional document it would not be easy to evolve a definition of the term "Muslim" which would debar the Ahmadis and at the same time not debar any other section.

Centre's attitude was clear.

Fatwa of kufr : its effect.

His own belief was that if ninety per cent of the Ulama agree that a believer in Mirza Ghulam Ahmad was a *kafir*, or that he should be stoned to death, he would bow his head to the decision. But the *fatwa* of *kufr* does not necessarily turn a community into a non-Muslim minority. The basis of the Demands has, therefore, no connection with the demand for an Islamic state. Fatwas of *kufr* have been quite a feature of Islam since the Four Caliphs, but they have never resulted in the denial of civic rights to the individuals or classes against whom the decree was made. This is very comforting indeed, in a state where *fatwas* are likely to become as necessary as guns and butter. The last remark is our own.

He wanted Ulama to have freedom of expression

But not licence.

Khwaja Nazim-ud-Din agreed that he had not advised Mr. Daultana to restrain the Ulama from publicly expressing their religious belief, for this would have meant interference with freedom of expression. But he added that liberty of expression did not mean licence, and when the speakers started going beyond the limits, if the Punjab Government had made judicious use of sections 153-A and 295-A of the Penal Code, the situation would not have deteriorated to the extent that even if the Ulama had wished to back out of "Direct Action," they had not the courage of doing so for fear of public opinion.

Conference of August 1952.

Sardar Abdur Rab Nishter

Since Khwaja Nazim-ud-Din agrees that he wished to avoid a clash with the Ulama, the question whether at the conference of August 1952, any decision to avoid a clash was taken loser importance. Two of Mr. Daultana's own witnesses, Sardar Abdur Rab Nishtar and Khan Sardar Bahadur Khan—the only witnesses who were questioned as to the conference of August—say nothing, however, in support of Mr. Daultana, The former said that when provincial representatives were questioned as to their views, Khan Abdul Qayyum showed reluctance over the use of force, as it would react on his province, while Mr. Daultana was of the opinion that if the Centre took a definite decision that the movement should be put down, then with some effort the Punjab Government would be able successfully to tackle the situation. Sardar Abdur Rab Nishtar could not say whether the Prime Minister expressed any view or that any formal decision was taken, but that the consensus of opinion was that the movement should not be putdown by force. That was Khwaja Nazim-ud-Din's attitude also, generally: he did not seem to be in favour of the Demands, but at the same time he did not wish to use force to suppress public opinion.

Khan Sardar Bahadur Khan

Khan Sardar Bahadur Khan said Mr. Daultana had urged the Central Government to take a clear and unequivocal decision, and thus place the administrative machinery in the Punjab on a "stronger wicket". The Government would, in that case, mobilise its political machinery—the Muslim League and the press—to educate the public.

Mr. Chundrigar, another of Mr. Daultana's witnesses, was not questioned in respect of this meeting.

Khwaja Nazim-ud-Din's statement not negatived.

Communique of 14th August, 1952.

Should have made Kh. Nazim-ud-Din's attitude clear.

This evidence does not negative Khwaja Nazim-ud-Din's assertion that the conference regarded the communique of the 14th August to be the best solution of the matter. Sardar Abdur Rab, who, under the Prime Minister's direction, prepared the draft of the communique, states that although it was not prepared at this conference, it possibly resulted from the deliberations of the conference. There must be some meaning in Khwaja Nazim-ud-Din's unhesitant denial that the conference decided to avoid a head-on clash with the Ulama. If this was not what the conference decided, then Mr. Daultana's plea that after the 8th of August 1952, it was not left open to him to take action, loses force. And if the Conference resulted in the communique of 14th August, the communique acquires fresh importance. It was an effort at "canalization"—an expression which will become familiar at a later stage—and should have given an insight into Khwaja Nazim-ud-Din's mind. Maulana Akhtar Ali Khan, editor of the Zamindar, who had led a deputation to Karachi, made a triumphant announcement on or about the second of August 1952, that the Central Government would accept some of the Demands on the 14th August, and received a baffling answer in the contents of the communique, Kh. Nazim-ud-Din denies that any promise was made by him beyond the statement that he would deal with the subject in his Pakistan Day speech. Here, again, Mr. Daultana has made a statement which his counsel has not tried to put to other witnesses; that the Central Ministers told Kh. Nazim-ud-Din that he should not have given an undertaking to M. Akhtar Ali Khan but that if he had done so he should make up his mind to fulfil it. "It was decided, however that a clear pronouncement of policy was not possible or politic and that we should avoid the issue by some sort of a sop to the people and that sop was the issue of the communique". Mr. Daultana does not explain how the Ministers climbed down from their lofty insistence that Kh. Nazim-ud-Din should fulfil his promise, to an evasive communique making no reference to the Demands. We would, therefore, take the communique at its face value and hold that if, notwithstanding the expectations raised by the Zamindar, Kh. Nazim-ud-Din addressed himself, not to the Demands, but to what he regarded as the root cause, he could not have possessed any overflowing enthusiasm for the Demands, and if the *Ulama* had any hopes of him, then we all hope for Heaven.

Effect of communique not material

We do not know what enduring good Mr. Daultana's counsel obtained from Mr. Anwar Ali's statement that the non-contradiction of the announcement in the 'Zamindar' had raised hopes in the public mind. If the communique had given birth to any widespread riots the raising of hopes for a short period of twelve days would have been an argument worth attending to. Nor do we understand the further, but more or less contradictory, statement of Mr. Anwar Ali that the communique itself created an impression among the Ahrar and their friends that their view-point had been partially accepted and that further concessions would be made. If that communique pleased the Ahrar, then, on the one hand, Kh. Nazim-ud-Din's effort at "canalization" was successful, and on the other, the hopes raised earlier by the 'Zamindar' were not dashed to the ground. After all, it was not the intention of Kh. Nazim-ud-Din to see that in no circumstances were the Ahrar overjoyed with any act of Government. To the extent to which the Ahrar's grievances appeared genuine, it was open to Kh. Nazim-ud-Din, and very necessary, in fact, to take preventive steps.

Mr. Daultana pressed for a decision

Kh. Nazim-ud-Din does not deny that Mr. Daultana pressed for a decision from time to time. The second occasion arose at Murree on the 26th of August 1952 and the third occasion, according to him, after the Dacca session of the Muslim League in October. Lastly, the matter was revived on the 16th or 17th February 1953, when Kh. Nazim-ud-Din visited Lahore, It was then that Kh. Nazim-ud-Din told him he was not prepared to take up a head-on fight with the *Ulama*.

Mr. Chundrigar's evidence

Mr. Chundrigar, who was a witness of the talks at Murree and Lahore, states in respect of the former that both he and Mr. Daultana impressed upon the Prime Minister the necessity of defining the Centre's attitude and announcing it, because the Muslim League and other sober sections of the people could not carry on any counter-publicity so long as the attitude of the Central Government was not known, and that the situation was Likely to deteriorate. He replied that he would discuss the matter with the *Ulama*, after Sardar Abdur Rab Nishtar's return from pilgrimage and then formulate a policy. He aimed at evolving a formula acceptable to all and getting it endorsed by the Pakistan Muslim League Council. In reply to a question by us, Mr. Chundrigar admitted that the Prime Minister had said, "without reference to these demands", that if a question of law and order arose, it would be for the Provincial Government to tackle it, "but he did admit that enunciation of the Central Government's policy one way or the other or the indecision of the Central Government would affect the law and order position".

Then, says Mr. Chundrigar, on the 16th February 1953 there were further talks and the Prime Minister said he was hopeful of negotiations with the *Ulama* of various schools, and, relying on a difference of opinion between them, expected some of them to forbear from supporting "direct action", which, therefore, might not materialise. In the event of failure, he intended to call a conference of the *Ulama* of the entire Muslim world.

Mr. Fazal Ilahi, counsel for the Punjab Government, suggested to the witness that on 26th August at Murree the Prime Minister was of the view that though the demands were not acceptable, if such a declaration were made, it would afford opportunity to the agitators to excite the masses. The reply was that "he did not express any such view on the 26th August. In my presence this view was expressed by him for the first time on 16th February 1953 in Lahore".

Two important points in Mr. Chundrigar's evidence.

The question put by us in respect of Kh. Nazim-ud-Din's attitude to law and order and the question put by Mr. Fazal Ilahi in respect of his attitude to the demands bring out two very important features of Kh. Nazim-ud-Din's defence, but if they are not read as supplementary to Mr. Chundrigar's version of the meetings of the 26th August and the 16th February as given by him in answer to the questions of Mr. Daultana's counsel, the impression one gets is that Kh. Nazim-ud-Din was thinking of the *Ulama* only and of nothing else. If these questions had not been put, we were likely to form an incomplete view of his conduct. It is true that the *Ulama*, occupied his mind a great deal, but these answers show that he was also alive to the law and order situation and that he had communicated to the Provincial Government his views about the demands at least on the 16th of February. If that be true, what was it that the Provincial Government wanted to know when on the 21st of February 1953, under the Chief Secretary's signature, a letter was sent to the Ministry of Interior requesting it to "enunciate the firm policy that they want to adopt with reference to these demands", as such enunciation "will considerably strengthen their hands"?

Concession to *Ulama* for ulterior objects.

At one stage of his statement, Mr. Daultana's grievance was that Kh. Nazim-ud-Din followed a policy of concession to the *Ulama*, in order that he might utilise them on other fronts. "I think his policy was to concentrate attention entirely on the religious issues so that by this concentration, and by obtaining wide popularity, he might get through many other provisions (of constitution-making) such as parity and the language issue. * * * I have no reasons to doubt his religions sincerity". (This was said in explanation to a Court question) “I think he was exploiting religious susceptibilities for his own political ends. It was a happy position that both his religious convictions and his politics ran in the same direction,” In. that case, it would be unfair to say that he was making any concession to the Ulama for ulterior motives. But Mr. Daultana’s counsel was on firmer ground when he questioned Kh. Nazim-ud-Din on his religious beliefs in relation to the conception of an Islamic State, the object apparently being to show how profoundly his politics were influenced by those beliefs. According to Kh. Nazim-ud-Din, the Qaid-i-Azam himself had an Islamic Constitution for his ideal: Pakistan, in fact, had been achieved on this assurance. He did not accept the suggestion that it was the Qaid-i-Azam’s view to have in Pakistan a single nation consisting of Muslims and non-Muslims, with equal rights of citizenship, because, if that had been his view, he would not have advised the reorganisation of the Muslim League. When he was reminded that in his address to the Constituent Assembly on the 11th August, 1947, the Qaid-i-Azam had hoped that “in course of time, Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State”, he frankly said this was not his view of religion or of an Islamic State. He also admitted that in the interim report of the Basic Principles Committee about the future constitutional set-up submitted during the life of Khan Liaqat Ali Khan, the picture presented was not that of a religious State. The present report, he added, had resulted from long discussions held with the Ulama in the company of three other Ministers, Sardar Abdur Rab Nishtar being one of them. In short, the atmosphere in which the present report was born was one of austere religiosity. How was it possible for a Government so thoroughly steeped in religion to reject the demands?

Kh. Nazim-ud-Din’s concept of an Islamic State.

He was steeped in religion

There is force in this argument, and in the absence of other circumstances it could well have been said that Kh. Nazim-ud-Din gave an impression that he might accept the demands in good time. But some of the Ulama who waited on him in deputations have made statements before us which convince us that his attitude ought to have been clear to an intelligent person. Maulana Murtaza Ahmad Khan Maikash saw him twice, on the 13th and 16th of August, 1952, with three or four other persons. “He said that our demand relating to the declaration of Ahmadis as a minority was within the sphere of the Constituent Assembly. We asked him whether, as leader of the Assembly, he would or would not raise that question. He said that he would consider this matter”. In regard to Ch. Muhammad Zafrullah Khan, “he finally expressed his opinion that he would not take any action in the matter”. As regards the removal of Ahmadis from key-posts, he said that the case would have to be “presented” to him by the deputation—whatever that might mean—and that he would then consider it sympathetically. But at the same time he asked them whether they had seen the press communique of 14th August. In other words, that should have been enough.

What impression he gave to Ulama:

Maulana Maikash

In fact, if Maulana Abul Hasanat is to be believed, that is exactly what Kh. Nazim-ud-Din said. "We again asked him whether Government had taken any decision in respect of the three demands. He enquired from us if we had seen the press communique issued by the Central Government to the effect that Ministers and Government officers were not to indulge in sectarian and religious propaganda. We said that we had seen the aforesaid communique as well as Ch. Muhammad Zafrullah Khan's observations in regard to it. Kh. Nazim-ud-Din then said that the action taken by the Government, namely, the publication of the communique, should satisfy us. We said that the communique had nothing to do with the demands that we had presented to him".

Maulana Abul Hasanat.

Four or five months later, Maulana Abul Hasanat again met him, this time with Maulana Akhtar Ali Khan and some others. This must have been in December 1952, because there was a subsequent meeting in January, Khwaja Nazim-ud-Din then told the deputation that "he had given a good deal of thought to the matter and had arrived at the result that it was difficult for him to concede the demands". In January, he told them that "if he removed Chaudhri Muhammad Zafrullah Khan from the Cabinet, Pakistan would not get a grain of wheat from America". After they had heard this, they said nothing about the other two demands.

Maulana Abul Hasanat again.

Maulana Abdul Haamid Badayuni met him in with five other members of the Central Majlis-i-Amal on or after 18th January 1953, but his evidence is not very convincing, though clear enough for an inference. According to him, the Prime Minister had expressed himself as being unable to remove Ch. Muhammad Zafrullah Khan because of his importance in the water dispute between India and Pakistan and of the food situation, but as regards the main question, he was prepared to consider it. Asked why the Council bad started "direct action" if on the main question the Prime Minister was accommodating, the Maulana replied that the answer to the other two demands was not satisfactory. On six or seven previous occasions the Prime Minister had promised to concede the Demands, "but that we should wait". The witness's impression, however, was that "apart from any other obligation, he was not willing to concede them".

Maulana Badayuni

Khwaja Nazim-ud-Din himself does not claim that he clearly told the Ulama at any time that he was not prepared to declare the Ahmadis a minority. This was because he wished to avoid a "head on" clash. No one asked him what a "head on" clash exactly means, but we suppose the idea conveyed by it is this. If you tell a man you are not going to accept his demand for something and that he can go to the more blazing of the two estates to which people are transferred hereafter, it fires him with infinitely more enthusiasm for what he regards as his mission than when you express sympathy with his point of view but regret that it is not possible for you to oblige him or that you have overwhelming difficulties. In such cases you are always willing to give further thought to the matter, but if that overflow of good-will which should characterise the utterances of a true public man leads any person to any sort of paradise, it cannot be the paradise of a wise man.

Did not clearly tell them

Policy of drift

At another stage of his statement, Mr. Daultana contended that the policy of the Centre was one of drift. That would not indicate any intention, but lack of the power of decision. But if the Centre is drifting in its own sphere, does it not stir provincial leadership to a stronger realization of its duty to save itself from the drift? We are not thinking of that exceptional type of leader-ship which rises to the surface in an hour of emergency. We are considering the common run of man, somewhat above the average, who can, by the exercise of commonsense and industry, help a lame donkey to its destination. Mr. Daultana replied that he could devise no better way of saving his own government from drift because it was clearly indicated in the Karachi conference of August 1952 and subsequently that the demands and the speeches, so long as they kept within law, could not be prohibited. To the last minute he was not certain the that Prime Minister would not concede the Demands. The object of the negotiations with the *Ulama* appeared to be to persuade the leaders not to press the demands as an immediate objective. If this is the impression that Mr. Daultana received from the Prime Minister's conduct, it is unfortunate; but the party concerned, the *Ulama*, had a very different impression. It was not a mere impression in their case they heard it straight from the man concerned. Consequently, there could be but one object in negotiating—to persuade the *Ulama* to yield, rather than to displease them by a blunt answer. Further, although it is true that the Prime Minister advocated liberty of expression, particularly of religious thought, his contention is that the speeches did not keep within the law; nevertheless they were not muzzled. It will be found in due course that this contention is not gratuitous.

Ulama of negotiations

Object not ostensibly in favour of violence.

The argument that the Prime Minister's injunction to avoid clash with the *Ulama* resulted in failure to take action in the provincial sphere assumes that the *Ulama* were a set of rowdy and abusive fanatics who preached violence and revelled in the sight of blood. Perhaps they will not deny being called fanatics, but not one of them was prepared to admit before us that he did not condemn violence. Maulana Maikash, who argued the ease of the *Ulama* with remarkable vigour, condemned all abusive utterances made by petty leaders, notwithstanding his own fanatical zeal against the Ahmadis. These utterances, it will be found in the sequel, were made by Sayyed Ata Ullah Shah Bukhari, Maulvi Muhammad Ali Jullundhri, Sayyed Muzaffar Ali Shah Shamsi, Master Taj-ud-Din, and a few others—we should not forget Maulana Akhtar Ali Khan— but these gentlemen do not pretend to know anything profound about religion or to belong to the hierarchy of the *Ulama*. Sayyed Ata Ullah Shah Bukhari, upon being questioned as to the form of future government that he contemplated, replied that the question was for the *Ulama* to answer. He is thus the only Amir-i-Shari'at without a religious portfolio.

Preachers of violence are not Ulama.

Kh. Nazim-ud-Din's fears about a head-on clash are unreal.

But, after everything has been said in reply to Mr. Daultana's complaints against the Centre, it is difficult to appreciate the intensity of the fear which Kh. Nazim-ud-Din had of a head-on clash with the *Ulama*. "Any decision rejecting the demands would have led to the slaughter of a very large number of Muslims, who would honestly lay down their lives, thinking that they were courting martyrdom. If any bloodshed has been caused, I maintain that before God I shall not be held responsible, but if I had taken the offensive and plunged the country into a religious war, I am sure I would have been condemned both-here and hereafter. The situation would have been ten times worse if the fight had been on merits and not on the law-and-order question, and it is doubtful whether we would have ultimately succeeded". With great respect, it seems to us that this view, notwithstanding its transparent sincerity, is affected by sentiment. The victims of the disturbances, apart from the Ahmadis and officials, belonged to two classes : those who courted martyrdom and those who exploited such occasions for prosecuting criminal designs, and neither of them could distinguish a law-and-order situation from a fight on merits. The fanatic believed in all circumstances that he was fighting for a noble cause: it required only a Bukhari to tell him so. The knave and vagabond did not care whether it was the Prophet's honour or a dozen bicycle tubes that he was risking his life for; it needed only a Bukhari to proclaim the Prophet's honour. Very few people in Lahore knew on the morning of the 27th February that the *Ulama* had been arrested because they had decided to send pickets to the house of the Prime Minister. The arrests, they thought, had been occasioned by the non-acceptance of the Demands. It also appears that Kh. Nazim-ud-Din had been told by Khan Abdul Qayyum Khan something about the Frontier and the tribes, and Kh. Nazim-ud-Din expected a holy war if the demands had been rejected. Well, now the demands have been rejected: they were rejected on the 27th February of last year. And the tribes do not know whether the little breeze in Lahore was occasioned by the rejection of the demands or by the surfeit of criminal talent incidental to big townships. It all depends on what you tell them. Therefore, it all depends on the man who tells them and the paper who tells them; whether it is a person who believes language to be primarily the vehicle of abuse and malice, and who thinks, when wielding the mighty pen, that he can stir any filthy pool with it. In short, it is a matter of "educating" the Public, as Maulana Maudoodi discovered about the end of February 1953, or of "canalising" a religious or political trend, as Mir Nur Ahmad knew long ago.

Ulama, like all specialists, have a single-track mind.

The *Ulama* are a very learned class and entitled, like all devotees of learning, to great respect. But like all learned persons whose energy has been directed to specialisation, they have developed a single-track mind, and a single-track mind has dangerous possibilities. You cannot do without specialists, but you need a "general practitioner", a person well-grounded in all subjects which are the particular province of the specialist, to co-ordinate their activities. In respect of subjects other than his own, the specialists's outlook is bound to be narrow. We have no admiration for cheap terms like *mullaism* or fanaticism. A common graduate, without anything but surface knowledge of any of his subjects, revels in these phrases as though he himself were a superior being. You might as well accuse a botanist of botanicism or a chiropodist of chiropodism. We therefore do not say that the *Ulama*'s outlook is narrow because they are *Ulama*; it is narrow because they are specialists in one branch of life. They look for rain that their own small crop should thrive; they do not know or care where it injures another small crop five miles away. The *Ulama* have frankly told us, without the blinking of an eye,— to say nothing of tears— that they do not care what happens to Muslims in other countries, so long as their own particular brand of Islam gains currency here. To quote a single instance, the Amir-i-Shari'at said that the-remaining 64 crores—the figure is his own— "should think out their own destiny". Perhaps for those teeming millions, the solution suggested by Maulana Muhammad Ali Kandhalvi of Sialkot is the most practicable—to change their ideology and religious views according as they are in Lahore, Delhi or Timbuctoo.

Disregard of Muslims in other countries.

Consequently, for those who have to look after the crop not only here,. but also in China and Peru, it is imperative to consult all-embracing interests and deny irrigation here and there. If Kh. Nazim-ud-Din was convinced that the demands cannot be conceded, there should have been no hesitation in rejecting them. What he was reluctant to do was to "crush" the *Ulama*. How the rejection of the demands could result in crushing the *Ulama*, except in a metaphorical sense, is difficult to understand. Such, however, was his regard for the *Ulama* that on the 27th February 1953, just before direct action came to the door of his house, he threatened resignation in the hope that "if the *Ulama* did not listen to reason and realize that they were endangering the safety of Pakistan, they should be shocked into this realization by my offer of resignation". We were startled by the abundance of faith which this observation carried, and remarked that perhaps the *Ulama* would have welcomed his resignation as a feather in their caps (some of them wear caps now) and used it against future governments in similar situations. It seemed also to be his view that the *Ulama* represented the public. It has already been shown how a demand acquires the status of a public demand, and Kh. Nazim-ud-Din has himself stated that the reason why Maulana Maudoodi dissociated himself from "direct action" was that, according to him, the time was not ripe for it. In other words, the demands were not sufficiently public. Maulana Maudoodi stated in one place—not before this Court—that the movement was known only in the Punjab and Bahawalpur, where also it had not the support of the intelligent section, and that considerable propaganda was necessary to enlist public sympathy. The demands, therefore, must be regarded to be those of the Ahrar in the first instance and of the *Ulama* later. If they had been rejected early enough, the Government might have been called an infidel government, but worse things have been said of the Government and Kh. Nazim-ud-Din, and nothing has happened to them. Perhaps Khan Sardar Bahadur Khan was right in forming three categories of people— those who believed genuinely in the demands, those who wanted to make political capital out of them and those who were given to understand that if they pressed, and pressed hard, the Central Government would accept them—and observing that the majority of people belonged to the third group, which would have withdrawn from the movement if a clear stand had been taken by the Centre. Opinions always differ and are apt to be categorical, but our idea of what people call a public demand is far from that of something sacrosanct. It may not be based on anything real, but if you can get the support

Kh. Nazim-ud-Din's regard for *Ulama*.

Demands were not sufficiently "public."

of a popular paper and an eloquent speaker, you go a long way. If the demand is against the government, be it any government, you have a better hearing. Notwithstanding that some people now call the Government their own, their conception of it is still that of an alien rule. They regard it as their own because they can revile it in terms with which ribald childhood is familiar. They regard it as their own because they can smoke away office hours without fear of dismissal. In short, for many other good and corrupting reasons. We said "a popular paper". The daily "Zamindar" is an instance of a popular paper, and you will know in good time why it is popular.

What is a "public" demand ?

It was, therefore, a purely religious approach to the subject which made Kh. Nazim-ud-Din think that any bluntness with the *Ulama* would spell national disaster. And while he sincerely held this belief, he was alive to the fact that "whoever pressed the Centre for a decision did so in order that the responsibility should shift to the Centre.* * * In that case, if the army or the police shot anybody, the provincial leaders would say it was at the bidding of the Centre. If in the sequel the Central Government were overthrown, the Provincial Government would say to the people: 'We had supported you throughout?' It is this natural but unfortunate fear of assuming responsibility for an unpleasant piece of work that has brought these bitter consequences. Kh. Nazim-ud- Din's ease is that if the situation could be adequately handled on the law and order side, why was it necessary to insist that a decision should be taken on the demands? If it could be so handled, and if also it was made clear from time to time that the Centre was not willing to concede the demands, there could then be only one reason for insisting that a "firm" decision be given, and for telling people repeatedly that only the Centre could give a decision—that the Centre should be embarrassed. We think this argument can best be appreciated if we treat the two Governments as an organic whole, which suffers as a whole if a part thereof is injured. If the choice were between a major injury and a minor injury, nobody could doubt that the major injury should be avoided. This is on the assumption that the choice is to be made by one person. If the demands were rejected it would make the Centre unpopular, and if action were taken on the law-and-order side, it would make the province unpopular. But the quality of unpopularity in the two cases would be different. In the former case, a "religious" demand will have been rejected, and there would be considerable scope for stirring up religious fanaticism. In the latter case, action under the existing law will have been taken because a subject of the country was grossly insulted or because a Minister of the Government was maligned because people were incited to bloodshed. The latter action would have both a legal and a moral basis and could be justified without stretching an argument, though it would cause some degree of provocation, Seen from a single viewpoint, action in the provincial sphere would certainly be the lessor of the two evils. Viewed from two different angles, however, each party would be motivated by his own good. And that is so because people have an eye, not necessarily on the common man's

Kh. Nazim-ud-Din's approach was religious.

Intention was to embarrass Centre.

A choice of two evils.

welfare, but on their political future. “The Chief Minister once told me”, says Mr. Anwar Ali, “that he was afraid that if he took any action and the Central Government accepted the Demands, his position would be compromised”.

It now becomes necessary to examine the law-and order side and the contribution mad to it by the Centre.

Central Government's concern over law and order.

As early as 1951 (7th September), the Ministry of Interior expressed its views to all Provincial Governments with reference to the Ahmadi-Ahrar controversy in no uncertain terms. “The Central Government consider that while the legitimate rights of any community or sect to propagate its religious beliefs should not be unduly restricted, and no discrimination should be made between the protagonists of differing views, religious controversies should be confined to reasonable limits and should not be allowed to reach a point where the public peace and tranquillity may be endangered. Militant and aggressive sectarianism should, in the opinion of the Central Government, be suppressed with a heavy hand”.

These views were repeated on the 2nd of July 1952 in view of “the very noticeable increase in religious and sectarian controversies”, leading in some places to a disturbance of the peace.

Central Government approves action by Punjab Government.

The letter ended as follows: “The Government of Pakistan have noted with satisfaction the action taken recently by the Punjab Government in dealing with sectarian agitation”. The reference here is to the ban imposed on Ahmadi and Ahrar meetings in June 1952 and the prosecution of certain persons for inflammatory utterances.

Four Periods.

The policy laid down from time to time by the Punjab Government for the guidance of the officers appears from the circular letters which have been reproduced in detail in the earlier parts. They will be mentioned in this narrative in their proper context. For our present purpose, the period under examination may be divided as follows:—(1) The Government of Sardar Abdur Rab Nishtar under section 92-A, up to April 1951. (2) The Government of Mr. Daultana, up to 19th July 1952, when upon assurance by the Ahrar that they would maintain the law-and-order situation in proper gear, the ban against their meetings was lifted and prosecutions withdrawn against them. (3) The period up to and including the direct action challenge. (4) From 26th February to 6th March 1953.

I. SECTION 92-A RULE

This period is cited by Mr. Daultana as a model for him to follow. It is also useful by way of an insight into the activities of the Ahrar. Some incidents relating to it may, therefore, be mentioned. On 29th December 1949, the D. I. G., Mr. Anwar Ali, suggested action on a speech of Maulvi Ghulam Ullah in Sialkot, and in January 1950 again, on speeches made at Multan, criticising General Nazir Ahmad and Ch. Muhammad Zafrullah Khan as Ahmadis. The Chief Adviser, Sheikh Muhammad Anwar opposed to action on the ground that it would give the speakers “cheap martyrdom”. Sardar Abdur

Warning to Ahrar during Advisers' Government

Rab Nishtar, observing that "vilification of high officials was different front propagating religious beliefs" and that Qazi Ehsan Ahmad Shujabadi and Maulvi Ghulam Ghaus Sarhaddi, to whom he had spoken, had not profited by the advice, asked the Adviser to speak to the President of the Ahrar, Master Taj-ud-Din. The Adviser did so, explaining that if this warning went unheeded, Government would be constrained to take severe action. This was the second warning.

Ash-Shahab reprintted by Ahrar.

Second Warning.

Meanwhile an Ahrar agency reprinted an obscure pamphlet entitled Ash-Shahab originally written by Maulana Shabir Ahmad Usmani, the "Archbishop" of Pakistan, apparently with the author's permission. This pamphlet justified the stoning to death of two Ahmadis by the Afghan Government many years ago. In June I950, Mr. Anwar Ali noted that "for obvious reasons" it was not advisable to ban the pamphlet, but that Master Taj-ud-Din and other leaders should be warned. The Chief Secretary (Hafiz Abdul Majid), the Chief Adviser and the Governor agreed and the Governor also observed that since previous warnings had not proved effective, they should be told that if they did not desist from these activities, Government would be forced to take action.

Suggestion of Mr. Anwar Ali to declare Ahrar an unlawful association.

In another connection, Mr. Anwar Ali wrote another note on the 28th May, 1950, recapitulating the activities of the Ahrar after the Partition and recommending effective action. The note said that an Ahmadi military officer had been killed in Quetta, that the head of the Ahmadiya community and his father were described as adulterers, that Ch. Muhammad Zafrullah was being vilified as an ass, a knave and a traitor and as having bartered Kashmir for Qadian, that S. Ataullah Shah Bukhari had proclaimed in one of his speeches that he would have killed Mirza Ghulam Ahmad with his own hands if the claim to prophethood had been made now, that a man actually rose from the audience and inquired if he should kill Ch. Zafrullah Khan and that on another occasion an offer of killing Mirza Bashir-ud-Din Mahmud Ahmad had been made. Mr. Anwar Ali suggested that (1) where active violence was preached, section 3 of the Safety Act Should be used, that (2) section 21 should be used where the Foreign Minister was vilified, that (3) obscene speeches, such as the one in which Mahatma Gandhi and the Khalifa of Qadian were stated to have slept in the same bed, should not be tolerated, and that (4) the declaration of the Ahrar as an unlawful association should be seriously considered.

Ash-Shahab : Khawaja Shahab-ud-Din's opinion.

In this note he took up the Ash-Shahab again. He recalled that the Minister for the Interior (Khwaja Shahabud Din) had been of the opinion, during one of his visits, that the pamphlet in question should be immediately proscribed as it preached violence. The Minister had also said that unless action were taken against the Ahrar now, their popularity may have increased manifold end later action might give them the role of martyrs, apart from creating practical difficulties.

A mere warning again.

We need not repeat here what the Chief Secretary and the Adviser said, except that Mr. Anwar Ali's note seems to us to be the best appreciation of the situation, that the Chief Secretary approved only action under section 3, that the Adviser again dwelt on the plea of cheap martyrdom and that the Governor approved the Advisor's note, giving a third warning to Master Taj-ud-Din on 16th July, 1950. The following passage in the Governor's note is significant. He told Master Taj-ud-Din that it was believed, and not without justification, that the *khatm-i-nubuwwat* movement was meant by the Ahrar to further their political ends by making them popular.

We are not sure that Mr. Daultana could make a good start with this action for his model, but this is beyond the scope of our inquiry. Perhaps the previous Government had laid it down as a rule of guidance for itself that three formal warnings should be given before action was taken. The first would be a mere warning, the second a strict warning and the third a severe warning. Even the Ash-Shahab was not proscribed until Khwaja Shahabud Din had expressed himself strongly in respect of it.

The Ahrar thought they could start afresh with the new Government—with a clean slate as regards the warnings. That is to say, the warnings were wiped off clean.

II. MR. DAULTANA'S GOVERNMENT—UP TO 19TH JULY, 1952

Processions on The Mall : a suggestion.

The first file relating to Mr. Daultana's time is entitled Yaum-i-Tashakkur (the Day of Thanksgiving) and it bears this note by Mr. Anwar Ali : "In pre-Partition days processions were not allowed on The Mall." What a boon it would be if they take a leaf out of the old book. If people know that the procession will not be allowed on the two Malls, half of the procession's charm would be lost for them and perhaps, on second thought, they would not take out a procession at all. There is no fun in a precession which does not pass in front of the High Court and the Deen barber. This is a matter which Government, might well consider, though the Charing Cross rendezvous, where the civil officers generally receive processions, would be missed by many.

We take a few typical cases—

Muhammad Ali Jullundri at Montgomery —15.4.51.

(1) Perhaps the first speech made during this regime was that of M. Muhammad Ali Jullundri at the Montgomery Conference on 15th April, 1951, when he said that he possessed documentary evidence which established a connection between the Ahmadis and the Pindi conspiracy. This was of course nonsense and Mr. Anwar Ali pointed out, quite rightly, that it would stir up indignation and recommended a warning. He referred to the three previous warnings.

False Propaganda.

This was clear preaching of hatred, and hatred of the most abominable type, for neither was Maulvi Muhammad Ali important enough to possess such evidence, nor was any document later produced before the Conspiracy Case Tribunal. But information of this intriguing type easily catches the imagination, and whether any evidence is produced or not, it convinces the hearers that its existence is beyond the pale of doubt. The D.I.G. suggested a warning in the old manner, but in the old manner a warning was not given. Mr. Daultana merely initialled the note. In his evidence he has explained—not with reference to this particular note—that the files which were sent up to him. for information were merely initialled by him. But this one asked for some definite action to be taken.

No action.

(2) On the 19th of August 1951, Sayyad Ataullah Shah Bukhari made a speech outside Mochi Gate from which some expressions typical of him may be translated in substance :

Ataullah Shah Bukhari at Lahore—19-8-51.

> "There is one enemy in front of us on the border ; there is another in our midst. You are unaware of the snake which is hiding in your sleeve. I have said it time and again the Ahmadis are not loyal to Pakistan. At Daska, on the occasion of the marriage of Ch. Muhammad Zafrullah Khan's nephew, Mirza Sahib made a statement that the good of the Ahmadis lay in an undivided India, but that even if there is a partition, the two parts should reunite somehow or other. Can you imagine treason worse than this? Put handcuffs both on me and Mirza Sahib and shut us in a room. There will be a decision of the dispute before morning, but if he survive the night and is found guilty, then you should hang an Ahmadi from every tree-top between Qadian and Rabwah. Saghir said that Mirza Sahib and Ch. Muhammad Zafrullah Khan had sunk the boat of Kashmir. If this is untrue, put him in jail, but "if it is true, put Zafrullah Khan in jail."

Sh. Bashir Ahmad protests.

Another warning.

Thereupon Sh. Bashir Ahmad, Advocate. Amir of the Ahmadi Jama'at at Lahore, made a complaint to the Deputy Commissioner, who forwarded it to the Commissioner, who forwarded it to the Home Secretary (then Sayyad Ahmad Ali), who made a note that he had discussed the case with the Chief Minister and had been directed to convey a warning to the Ahrar leaders, through the Inspector-General, that they were exceeding the limits. They were to be told that if they do not take this warning, Government will have to take steps against them. The Inspector-General administered a warning to Sh. Husamud-Din, Secretary of the Majlis-i-Ahrar, who promised to convey it to proper quarters.

Central Government's concern.

Mr. G. Ahmad, Secretary of the Ministry of Interior, also asked the Chief Secretary on the 4th of September 1951 whether it was a correct report of the speech that the Foreign Minister was selling Kashmir for Qadian. The Chief Secretary replied that it was correct and added that a warning had been administered.

Bukhari at Muzaffargarh, October 1951.

(3) But look at the effect that the warning produced. Two months later, in October, l951, S. Ataullah Shah Bukhari spoke at Muzaffargarh and repeating most of what he presented as the Ahmadi stand regarding Partition, added a new song to it : "An Ahmadi spy has been arrested in the company of one Gopal Dass. I have given excellent information to Government in this behalf." How can your simple folk imagine that this grand, old man, weighed down with years, yet sharp like a sword, can invent a story about the companion of Gopal Dass which has not the least basis reality ! If this is true, will it not rouse intense feelings against "traitors".? If you Ignore that speech, knowing that it is false in context, you may show respect for his grey hair but you ignore the disease with which he has infected your people.

D. I. G. suggests action.

I. G. suggests firm action.

Mr. Anwar Ali thereupon suggested that (1) an Ahrar or two should be gagged, that (2) S. Ataullah Shah Bukhari's movement should be restricted to his village, and that (3) cases should be started under the law for offensive speeches. Khan Qurban Ali Khan wrote an equally strong note. He pointed out that the Ahrar had done enough to justify firm action being taken against them. The last warning was the one given by himself to Sh. Husam-ud Din, but it was clear that warnings were useless. Even if the Ahrar as a party refrain, Sayyad Ataullah Shah Bukhari could not. He had nothing but abuse in him. It was possible, however, that if he were gagged, a dying party might regain vigour, but that was for the politician to decide. Personally, he preferred firm action to create an atmosphere of tolerance. The Chief Secretary, without committing himself, suggested that the Chief Minister might hear all of them and come to a decision.

Conference of officers. Results in policy letter of 24-12-51.

On the 21st November 1951, the Chief Minister's Secretary made a note, apparently under direction, that no action need be taken until the Chief Minister's return from some place. This was followed by a conference of the Chief Minister with his officers on the 6th December, and subsequently, by the issue of a policy letter on 24th December, 1951. This was somewhat on the lines of the Central Government's letter of the 7th September, 1951, and told all Deputy Commissioners that while the legitimate rights of any community or sect to practise its religious beliefs could not be unduly restricted, it was nevertheless important that religious controversies should be discouraged or at any rate not allowed to the extent of endangering public peace and tranquillity. Disorders resulted where Deputy Commissioners were not vigilant and therefore did not take timely preventive measures, or where they discriminated and therefore did not act dispassionately. It was apparently known to Government that certain district officers were indulgent to non-Ahmadi speakers by reason of their own religious beliefs.

Makes good reading.

Now on paper, and independently of the context, this letter makes very good reading. It is in the best traditions of the civil service. It shows how alive Government is to the effects of sectarian activities, to the danger to which the religious beliefs of the district officers themselves expose them and with them the administration, to the legitimate rights of everybody to practise his religious beliefs. And yet—what have they done about the Amir-i-Shari'at? Have they not allowed the people to assimilate the poison which was administered to them ?

But ignores the case in point.

The D. I. G., Mr Anwar Ali, had made very effective suggestions. The Inspector-General had pointed out that previous warnings, three during the old Government, two during the new regime, had produced no effect, and that an atmosphere of tolerance should be created. Then there is a meeting of five gentlemen on whom rests the burden of the administration. They must have spent about two hours in discussing the possible effects of gagging Syad Ataullah Shah Bukhari—whether, if he is proceeded against, you will get wheat from the Ahrar or rain from an otherwise benevolent heaven ; whether a dying party will be resuscitated. A dying person can be resuscitated only by a miracle, and it was no miracle to take action against the Amir-i-Shari'at. But it certainly would have been a miracle a decade ago if no action had been taken. The I. G. and the D. I. G. said in their notes it was time that "firm" decision were taken. So often has this word been profaned that it gives us a feeling of sickness now to hear it repeated. It was used on the 21st January, 1953 also, when the Chief Secretary asked the Ministry of Interior to define "The firm policy" in respect of the demands. However, the two police officers at least knew what the word means, and their notes said it means putting one or two of them in jail and restricting the movements of a third. Is it conceivable that they changed their mind in the conference ? If they did, it must be because the idea of the other three officers regarding firm action was different.

One word is too often profaned : "firm" action.

The utter futility of the circular letter issued on the 24th December 1951 will become further patent when it is remembered that a more or less similar letter had been issued on the 3rd November 1951. It said that instances had come to the notice of Government where members of different sects had indulged in objectionable propaganda against each other calculated to hurt feelings and leading, not unoften, to personal violence, that sometimes local officers identified themselves with these causes and that this was causing unrest in the province and grave concern to the Government. "Government consider that while the legitimate rights of any community or sect to practise religious beliefs should not be unduly restricted * * * * * ." Then follows the patent phraseology of the Central Government's letter of the 7th September, 1951. Finally, the Deputy Commissioners were directed to suppress militant and aggressive sectarianism "firmly". Local officers were to take "strong action whenever there is likelihood of trouble on account of communal provocative speeches or conduct leading to tension. For this purpose they should invoke the provision of prohibitory orders as laid down in the criminal law."

Policy letter of 3rd November 1951 had already existed.

The policy letters presume that District Magistrates do not act under the law unless expressly told.

The district officers have to be told expressly that there is something in the criminal law of the land which can apply to such speeches. But Sh. Bashir Ahmad knew the law when he complained to the Deputy Commissioner against the Mochi Gate speech of August 1951, and in making the complaint to the Deputy Commissioner he apparently intended that officer to apply the law. Was there a circular letter from Government prohibiting district officers from taking action in accordance with law without reference to Government, or was it because the Deputy Commissioner was reluctant to prosecute Sayyad Ataullah Shah Bukhari because (1) he was a grand old man, or because (2) he was one of the Ahrar, a noisy party, or because, (3) after all, the utterances were made against Ch. Muhammad Zafrullah Khan, who was only an Ahmadi, or because (4) the Deputy Commissioner wished to throw the burden on the Commissioner's shoulders, or because (5) in his opinion the speech was not actionable ? Whichever of these reasons you select, it shows that the foundation of the administration itself is creaky. Make your district officers self-reliant. If it is not in their character, give them some other job and replace them by men who have broad shoulders for responsibility. At the conference of the 6th December 1951, one of the questions that should have been considered was whether the District Magistrates of Lahore and Muzaffargarh should not be asked why they had taken no action under the law, particularly after receiving the circular letter of the 3rd November. It is only thus that sleeping officers wake up to their responsibility. This is largely the function of the Chief Secretary, but it is not likely that when a conference meets just to discuss a speech or two, it should not occur to the Chief Minister that the man on the spot has done nothing.

District Magistrates are not self-reliant.

Ahmadi conference at Bhalwal. 22-9-51.

(4) On the 22nd and 23rd September 1951, an Ahmadi Tabligh conference took place at Bhalwal. Out of sheer spite, a rival Sunni Conference was extemporised in a mosque opposite. The police report shows that while the Ahmadis said nothing offensive, the Ahrar did. Mr. Anwar Ali recommended that the Superintendent of Police should warn local leaders. Khan Qurban Ali added on 4th October 1951 that "if they do indulge in sectarian mischief, legal action should be taken." This is merely by way of an instance of the conduct of Ahrar.

Ahmadi Conference at Multan. 18-11-51.

(5) On 18th November 1951, an Ahmadi meeting was broken up by the Ahrar in Multan, and Sh. Bashir Ahmad, Advocate, again wrote a complaint, this time to Government, pointing out that another meeting at Lyallpur had been similarly broken up. He said Government should have a clear policy and show it in practice. He reminded Government that there was going to be another Ahmadi annual meeting in Sialkot during the week-end and asked for protection. Mr. Qurban Ali said he agreed with every word of this letter and pleaded for "firm policy."

The breaking-up of the meeting in Multan was particularly brought to the notice of Mr. Daultana, who discussed the matter with his officers, and the matter ended with a note by the Deputy Secretary, Home, on behalf of the Chief Minister : "No separate action is necessary on this reference."

At Sialkot 16-2-51.

The Sialkot meeting had to be put off with the consent of the Ahmadis themselves, because of the tense atmosphere, and was ultimately held on the 16th and 17th February 1952. Even then the police had to cordon off the meeting with barbed wire. The Ahrar stood at some distance and threw stones at Ahmadis after the meeting. The Deputy Commissioner prevented the situation from growing worse by show of force, and sent the Ahmadis home in trucks, with police escorts. In respect of the meeting on the 17th February, the Ahmadis themselves thought it was not safe to hold it, and consequently did not hold it.

Ahrar Conference at Okara 24-11-51.

(6) An Ahrar Conference was scheduled to meet at Okara on the 24th and 25th November 1951, and as Okara was the hot-bed of Ahmadi-Ahrar controversy — an Ahmadi had been killed there in 1950 — the Chief Minister accepted D.I.G's. advice that it should be banned. It then transpired that the Deputy Commissioner of Montgomery, Mr. Mushtaq Ahmad Cheema, had already allowed the meeting to be held on condition that no objectionable speeches would be made. Mr. Daultana was then in Karachi and as Mr. Qurban Ali thought it would be best to honour the pledge, the Deputy Commissioner was informed that he could allow the meeting if he was confident that nothing untoward would happen. The conference was opened by Mr. Cheema himself, and closed on the following day by the Additional District Magistrate, with his thanks to the Ahrar, because it was termed a "Defence Conference". Extracts from the following two speeches are worthy of note.

Montgomery's Deputy Commissioner

1. Qazi Ehsan Ahmad Shujabadi— "Beware of Mirzais. They are beyond the fold of Islam and the Pakistan Government should keep them in mind when investigating Khan Liaqat Ali Khan's assassination. They have no right to preach their faith in Pakistan."

One cannot help admiring them for being able to discover the missing links in the investigation of all national disasters.

2. S. Ataullah Shah Bukhari—After emphasizing the necessity of strengthening the country's defences : "One traitor is worse than ten million swine. If Government regard me a traitor, let them shoot me. I regret Mirza-Bashir-ud-Din once openly advocated efforts to reunite Pakistan with India. That was treachery to Pakistan."

There was some correspondence between the Deputy Commissioner and the Chief Secretary as to the propriety of presiding over a conference of this nature, and on the whole we agree that exception could be taken to Mr. Cheema's conduct on more than one ground. It is gratifying to note, however, that even without any reference to Government, he had assumed the responsibility of allowing a meeting to take place, subject to safeguards. Let them commit errors of judgment, but let them do something to show that they are capable of committing errors of judgment.

"Ragra Mast Qalandar da" March 1952—a mere warning.

Notoriety and cheap martyrdom denied to criminals.

Multan firing of July 1952 resulted from non-enforcement of orders.

(7) In March 1952, there came to the notice of Mr. Anwar Ali a pamphlet entitled "Ragra Mast Qalandar Da" by Saeen Azad Qalandar of Bhera, containing what was described by the C. I. D. as "abusive and insulting criticism" of the founder of Ahmadism, actionable under section 295 A P. P. C. and section 94-A of the Code of Criminal Procedure. He made a note that although according to recent instructions such persons were to be dealt with "firmly", the writer was a person of no extraordinary status and might gain notoriety if prosecuted. We cannot understand why even notoriety should be denied to criminals, but the idea behind the advice seems to be the same that urged the Chief Advisor in 1950 to deny "cheap martyrdom" to the Ahrar as a whole—namely, that they will rise in the scale of values and become important persons for the period following their imprisonment. It is over-looked, however, that, on the other hand people come to regard abuse and vilification as a common feature of life and that ultimately, when it becomes unbearable and any effort is made to check it, they regard it as unwarranted interference with liberty of speech. This is what happened at Multan in July 1952. For a whole month processions were taken out in defiance of law, and when at last a ban was imposed and a conscientious police officer tried to enforce it, they created a hornet's nest round his police station, broke the iron fencing, threw bricks at men and things, tried to set fire, injured a number of officers, and were not pacified until they had six bullets lodged in six fatal regions.

Thereupon, the Tasneem of 2nd July 1952 observed : "We cannot but condemn the irresponsibility of the police officer who lathi-charged an assembly *merely* for the offence of shouting slogans and defying an order under section 144 * * * * . In Sargodha and other places, such orders have been defied."

However, the Home Secretary agreed with the D. I. G. and the author was merely warned. The Chief Minister, on return from tour, approved the action taken. Perhaps the poem was a good one.

Two months later, in May 1952, the Ahrar issued a poster entitled :

”خلیفہ قادیان مرزا بشیرالدین کی گاندھی جی سے ہم بستری اورآکھنڈ ہندوستان“

Posters relating to "bed-fellowship"— not even a warning.

We cannot translate the title because the word "هم بستری" has two meanings, and while Mirza Bashir-ud-Din has used it in one sense, the Ahrar apparently intended the other sense, which makes the meaning filthy. The poster itself is full of indecent material. There is a reference also to a judgment of Skemp J. in which His Lordship is supposed to have ascribed immorality to Mirza Sahib, though in actual fact Skemp J. was quoting from a passage to which the Ahmadis had taken exception. This passage was similarly reported in another objectionable book, "Janbaz Pocket Book", and one of us had occasion to sentence the author to a month's imprisonment for contempt of Court.

The D. I. G. made no particular recommendation in this case, and the Chief Minister merely initialled the note.

Sargodha Conference : 24-3-52.

Central Government ask for report.

D. I. G. protests.

(8) The next important landmark is the Istihkam-i-Pakistan Ahrar Conference held at Sargodha on the 24th and 25th March, 1952. The Secretary of the Ahmadiyya Anjuman at Sargodha sent a telegram of protest to the Central Government against the open preaching of violence and lawless-ness which had exposed his community to grave danger, and the Central Government requested the Chief Secretary for a report. A copy of the local Superintendent of Police's report was sent, but not without a vigorous protest by Mr. Anwar Ali to his own Government. He said that there was a tendency on the part of the Ministry of Interior to call for reports on "all and sundry matters", which unnecessarily increased work. In any case, the Central Government were not in a position to pass any orders. The proper course, he added, would have been to transfer the telegram to this Government for necessary action. In the matter of law and order the Provincial Government was "supreme", and when reports were called from it, people were encouraged to go over its head and invite interference from the Centre.

This is good enough, but "the firm policy" letter of 21st February 1953, was sent up to the Central Government at the instance of Mr. Anwar Ali himself, notwithstanding the knowledge that in the matter of law and order the Provincial Government was supreme.

Speeches : Jullundri : "Zindeeqs" are liable to death.

Bukhari

In the speeches recorded by the C. I. D., Maulvi Muhammad All Jullundri was reported to have said that the "Mirzais" were *zindeeq* and that *zindeeqs* were according to Islamic law liable to be put to death. Sayyad Ataullah Shah Bukhari said Chaudhri Muhammad Zafrullah Khan was intentionally keeping the Kashmir knot in tangle and sustaining bitterness between Afghanistan and Pakistan. He bade his audience to take out a procession demanding the removal of the Foreign Minister and shout "Mirzaeeat Murdabad", "Zafrullah Murdabad", "Mirza Bashir Ahmad Murdabad". As to this procession, it would be instructive to reproduce the substance of the report made to Government by the Superintendent of Police:

S. P.'s report about procession.

> "A procession of about 200 men was taken out on 28th March as directed by Ataullah Shah Bukhari. I asked Maulvi Abdullah Ahrari (book-seller), Abdur Rashid Ashk and others not to lead the procession as it was likely to create disaffection and cause disturbance, but they paid no heed to my advice and asserted that this was the only way to protest. They urged their followers to shout "Murdabad". The procession began swelling as it proceeded. At Kachery bazar it met another big procession and the two marched together to municipal gardens. Abdur Rashid Ashk urged them to march on fearlessly. *At one time it seemed as though law and order did not exist.* The Deputy Commissioner witnessed the procession. * * * * * The Ahrar workers are out to sabotage safety and peace. *Their outward object is to denounce the Ahmadis, but their inward object is to create disorder and lawlessness.* I wish to obtain Government's order in respect of the following action that I propose taking. The District Magistrate agrees with me that firm action should be taken. I propose to arrest Maulvi Muhammad Abdullah Ahrari, Maulvi Saleh Muhammad and Abdur Rashid Ashk under section 3, Safety Act, for fifteen days. Against the following seven persons (here the names are reproduced) I propose using section 107/151, Cr. C. P., for taking active and prominent part in the procession. They are very enthusiastic followers of the aforesaid three persons and are likely to disturb peace by assaulting or insulting Ahmadis."

"Law and order did not seem to exist".

S. P. proposes action.

Then changes his mind.

This was written on 28th March. On the 4th of April, he wrote another letter. "I called for the three *maulvis* on 2nd April and advised them not to take out processions. If the Ahrar workers and their supporters behave and take out no more processions, I shall postpone taking action".

What he should have done.

This would not be in accordance with the policy laid down in the letter of 24th December 1951, and if the matter remained there, it would merely be said that the local officers were not satisfactory. A bookseller virtually tells a Superintendent of Police that he should mind his own business, and the police officer does not mind it. For "his own business" was to prevent a disturbance of the peace and to make immediate arrests. At one time it seemed as if law and order were defunct—except in his own person and in that of the District Magistrate—and the picture he has given shows both of them jogging along like helpless orphans. We pity them. We pity the administration that has produced them.

D. I. G., proposes action.

But changes his mind after seeing the Chief Minister.

But the matter does not remain here. The D. I. G. wrote a strong note and endorsing the opinion of the Superintendent of Police, sent the file to the Inspector-General. Thereafter, the Assistant to the D. I. G. informed the Superintendent of Police on the telephone that the D. I. G. has advised action under sections 107 and 151 of the Code, but not under the Public Safety Act. Whether before or after this, the D. I. G. asked the Prosecuting Inspector for opinion, and was informed on the 2nd April 1952 that sections 153-A and 295-A of the Penal Code and section 108 of the Code of Criminal Procedure were applicable. On the 3rd of April there is a note by the D. I. G. that the Chief Minister has seen the report, and that the prosecuting agency advise that the speeches are not fit for prosecution. This is a remarkable reading of the Prosecuting Inspector's advice, but if after seeing the Chief Minister he changed his mind, why does he lay the blame on the prosecuting agency?

Maulvi Muhammad Shafi of Sargodha. 24-6-52.

Three months later, Maulvi Muhammad Shafi, Khatib of the Jami' mosque at Sargodha, made a speech on 24th June 1952, on the occasion of the Juma-tul-Wida, and the Superintendent of Police made a report which is more or less in these terms:

S. P.'s report about him.

> "At the 'Id-gah on 24th June 1952, Maulvi Muhammad Shafi has been spreading the gospel of hate against Government. He is clearly and violently against Government. He belonged to the Majlis-i-Ahrar and supported the Unionists. He maintains a large notice board inside the mosque and writes every day in chak the views of Maulana Maudoodi which reflect on Government. According to Sabir Ali of Sargodha, who was arrested under section 3, Public Safety Act, Maulvi Muhammad Shafi once wrote on the notice board that the late Prime Minister had misused public money in his American tour. He is not likely to reform himself. He is a disruptionist without doubt."

S.P. takes no notice.

I.G. takes serious notice; but Chief Minister takes no notice.

On the 26th June, however, he wrote that he had discussed with the District Magistrate and the Prosecuting D.S.P. the question of prosecuting Maulvi Muhammad Shafi, etc., under section 188, P.P.C., for the breach of a prohibitory order and that they had all decided not to take action for the speeches delivered by them on the Juma-tul-Wida. The D. I. G. brought the report to the notice of the Inspector-General and the Government. The Inspector-General said : "That they would exploit the name of 'mosque' there is no doubt. But unless we concede that mosque is a sanctuary for those who defy the law, we cannot absolve ourselves of the responsibility to see that the law of the land is not flouted." This was seen by the Chief Minister on the 4th July.

Action should have been taken.

Mr. Daultana told us in Court that when a file came up to him for information only, he merely initialled it. In another place he said he generally agreed with the recommendations made by his officers. In yet another place he admitted that if any serious inaction came to his notice, it would be his duty to take action. This was, if nothing more, a case of inaction, quite the contrary of the firm action envisaged in the letters of the 3rd November and the 24th December 1951. A man whom the Superintendent of Police described as a rabid disruptionist had violated an order banning a meeting and had held a meeting. No reason was given, not even that this was a Juma-tul-Wida, and that Juma-tul-Wida is better than a thousand months. This was also a case where the Inspector-General virtually recommended action, and said that if no action were taken, the Government was not absolved of the responsibility to see that the law of the land is not flouted.

GENERAL ASSESSMENT OF THE SITUATION BY D. I. G. (C. I. D.) IN MAY 1952 AND ISSUE OF FRESH POLICY LETTERS

On 20th May 1952, Mr. Anwar Ali wrote an exhaustive note recapitulating Ahrar doings and their effect since 1950. They may be summarised as follows : (1) At Okara, in October 1950, Ahmadi preachers were waylaid and their faces blackened. (This, it must be conceded, was the result of "aggressive sectarianism".) A school-master was killed. (2) At Pindi, about the same time, an Ahmadi was killed, though the immediate cause had no reference to religious differences. (3) At Sialkot, in January 1951, the Ahrar broke up an Ahmadi meeting. (4) At Chak Jhumra, in February, a son of M. Ismatullah, an Ahmadi, was stabbed on the railway station by Ahrar workers. (5) At Gujranwala, in March, an Ahmadi shopkeeper was attacked, but the police saved him. (6) In April at Lyallpur following a threat by Ghulam Nabi Janbaz, an Ahmadi shopkeeper was attacked. (7) At Samundri, in May, an Ahmadi mosque was burnt down. (8) In November, at Lyallpur again, an Ahmadi meeting was broken up, resulting in casualties on both sides. (9) In the same month, at Multan, the Ahrar tried to break up an Ahmadi meeting. (10) In March 1952, at Sargodha, an Ahrar procession was taken out in defiance of a ban. We have already noticed it. (11) In April 1952, at Rawalpindi, a youth got up in a meeting and urged people to kill Chaudhri Zafarullah Khan. (12) In the same month, at Gujranwala, two mock funerals of Chaudhri Muhammad Zafarullah Khan were taken out with the accompaniment of a humiliating chorus—"Zafarullah *puttur chor da; Na'ra maro zor da*". (13) In May 1951, at Lyallpur, Sayyad Ataullah Shah Bukhari promised large-scale demonstrations. (14) According to a letter intercepted by the C. I. D., paradise was promised to whosoever should kill the Foreign Minister.

Mr. Anwar Ali observed that the Ahrar, who could not show their faces after the Partition, were on the offensive now. They tell people they have made up with the "high-ups" of the Muslim League. Warnings had been administered to them from time to time by the Governor, the Chief Secretary and the Inspector-General, but without producing effect. They had now opened branches in many places, and their total membership was 1,046. If they were allowed to gather strength and popular favour, it would become increasingly difficult to deal with them. He concluded by saying that *as a result of discussion with the Home Secretary and the Inspector-General*, he was making the following recommendations:—

D. I. G., again recommends that Ahrar be declared an unlawful association. 20-5-52.

1. The Ahrar should be declared an unlawful association, as recommended by him in 1950.

2. Sayyad Ata Ullah Shah Bukhari, Qazi Ehsan Ahmad Shujabadi and Maulvi Muhammad Ali Jullundri be detained or restricted.

3. At any rate, Ahrar meetings should be banned for a year or two.

Mr. Qurban Ali Khan's prophetic warning.

Mr. Qurban Ali Khan then wrote a prophetic and penetrating note which shows how correctly he appreciated the situation and the political reluctance of the Government to take a decisive step. We reproduce below only its substance:—

> "How long should we remain at the stage of writing notes? I am convinced that if Government continue with its present policy of leaving the Ahrar alone, they will sooner or later perpetrate such a horrible crime that Government will find it difficult to explain its failure to take action upon what the C.I.D. has been repeatedly and vehemently reporting to it. It is a difficult decision to take, I know, but someone has to take it. The Centre is not likely to share the responsibility of getting involved in a matter which has the remotest chance of raising another opposition, especially on an issue which may be exploited as a religious one. But some Government somewhere must give the masses a correct lead. If every party is afraid that the Ahrar will join hands with the opposition, it will be difficult to maintain law and order. The Ahrar are today no power; tomorrow they may become one. If Government is convinced that their conduct calls for action, this is the most opportune time."

Mr. Qurban Ali Khan explains his statement to court.

Mr. Qurban Ali Khan was questioned by interrogatories as to the exact meaning of this note with reference to the relative responsibility of the two Governments. The following passages from his written deposition may be reproduced with advantage. (1) "A straight answer would have definitely embarrassed the Central Government, and embarrassed the Provincial Government even more. This was because the question did not relate to Punjab alone". (2) "My emphasis was not on how the demands should be answered, but I urged the local Government to give the people a correct lead as to how in an orderly Government public demands should be presented. What I tried to impress upon Government was that severe punitive and effective preventive action should be taken against those who were preaching and adopting violence in order to coerce Government to a particular decision. The question of the

Provincial Government taking the responsibility of giving a straight answer without the approval of the Central Government was never in my mind." (3) "I had no occasion to feel that the Provincial Government wanted the odium of the situation to be faced by the Central Government. To my mind, both were avoiding to face the odium. * * What I was submitting in my notes was that Government should deal promptly and firmly with each occasion of lawlessness as it arises irrespective of how the Central Government disposed of the demands. A firm decision on their part would have been of immense help, but the absence of it did not absolve the Provincial Government of its responsibility of maintaining law and order."

Mr. Qurban Ali Khan thus brought the following matters pointedly to the notice of Government. (1) "You are repeatedly ignoring the advice of the C. I. D. and will find it difficult to explain your failure if something should happen." (2) "If you are not acting because it embarrasses you, the Central Government is equally embarrassed." (3) "But you being responsible for law and order, should deal with the situation as it arises without reference to the Centre."

Conference of Chief Minister with officers. 25-5-52.

Policy letter of 5th June.

This resulted in a conference of officers with the Chief Minister on the 25th May, and their decisions found expression in the third policy letter, dated the 5th of June 1952. It required District Magistrates to ban all Ahmadi or Ahrar meetings without exception, imposing section 144, Criminal Procedure Code, whenever a meeting was proposed to be held. It superseded the letter of 24th December 1951, which left discretion to District Magistrates. In a way it was an admission of the fact that District Magistrates were not in all cases capable of exercising discretion. The membership of 1,046, however, was not declared unlawful, nor was anybody muzzled or restricted. It can reasonably be argued that if the desired result could be achieved with the least offensive action on the part of Government, why take any drastic step? But it will presently appear that the desired end was not achieved. The Ahrar withdrew to the mosques, and as Juma-tul-Wida was fast approaching, Government issued a wireless message on 19th June that if the Ahrar wanted to hold meetings in mosques before or after the Juma-tul-Wida prayer, prohibitory orders should be passed without mentioning the venue of the meeting and the local *imams* warned. If, however, a meeting did take place notwithstanding the ban, it should not be interfered with, and arrests for defiance be made later.

Letter of 19th June.

Letter of 28th June.

On 28th June 1952, another letter was issued, directing that if the ban has been defied, prosecutions should be confined to the Ahrar, and among them also the prominent ones, the intention being to isolate them.

Mr. Daultana's version of the conference : Why Ahrar could not be declared unlawful.

We do not say the action taken in May and June 1952, was altogether inadequate, but since Mr. Daultana says this was the only action possible, the position might well be examined further. According to him, the first matter for consideration at the meeting was whether the very putting forward of the demands should be prohibited, the second whether propaganda in support of them should be checked, the third whether unilateral action against the Ahrar could be taken. The first two matters depended on whether the demands were justified and it is clear that a decision on merits could not be taken by the Provincial Government. As regards the third point, there was "no definite knowledge or overwhelming suspicion that the Ahrar were conspiring against the State or were agents of an enemy power or were openly advocating violence. We could not, therefore, take preventive or punitive action against them without consulting the Centre, but on the law and order side we decided to take strict action." The consensus of opinion at the conference was that no action could be taken unless the Central Government had formulated a policy.

Mr. Daultana's premises are wrong.

Mr. Anwar Ali or Mr. Qurban Ali Khan did not say in their notes that the Ahrar should be made an unlawful association because they were conspiring against the State or were agents of an enemy power. A number of incidents of violence and lawlessness had been brought to the Chief Minister's notice as justifying the proposed action. The argument that preventive or punitive action could not be taken without the Centre's consultation but that on the law and order side it was decided to take strict action presumes two things; firstly, that preventive or punitive action is not taken on the law and order side: secondly; that the Centre has to be consulted before an association can be declared unlawful. Both these presumptions are incorrect.

Centre's decision was not thought of until 7th July.

Next, at the time when the conference of 24th May 1952 took place, the thought of consulting the Centre was in nobody's mind. It crossed Mr. Daultana's mind for the first time on the 7th of July 1952, when he was at Nathiagali and a file was sent up to him in relation to certain suggestions made by the Home Secretary, Mr. Ghias-ud-Din Ahmad, provoked by a letter from the Ministry of Interior, dated the 2nd July 1952. We have already referred to this letter as the second of the two circular letters issued by the Central Government for the guidance of the provinces. It, drew attention to previous instructions that militant or aggressive sectarianism should be suppressed with a heavy hand and ended by noting with satisfaction the action taken by the Punjab Government "recently"—the very action which we are examining now. Thereupon Mr. Ghias-ud-Din Ahmad expressed the opinion that the time had come when the Centre should be asked at high level to formulate a policy. "The fanaticism and philosophy of hatred preached by the Ahrar, if not killed, will not remain confined to the province. As regards the Khatm-i-Nubuwwat movement, the Centre should tell us what line to pursue. Should we connive, at activities which aim at the physical or religious annihilation of a minor section * * * * ? They should decide whether considerations of law and order should receive priority over religious beliefs. As regards Chaudhri Muhammad Zafrullah Khan the common man was gaining an impression that some of his own colleagues were behind the agitation."

When Home Secretary commented on Centre's letter of 2nd July.

The Home Secretary suggested a letter by the Chief Minister personally to the Prime Minister.

The Chief Secretary, Hafiz Abdul Majid, forwarded the file with a note containing an appreciation of the situation which, in our opinion, cannot be excelled. He said in substance : "We don't need support from the Centre for action taken to maintain law and order. But the Ahrar having given an impression that their Agitation is endorsed by the Centre or some Ministers or officials, we might suggest that this impression be removed by a statement. *The Home Secretary has omitted to mention that the policy of the Centre has already been explained in the Ministry of Interior's letter of 7th September* 1951 *and repeated in the P. U. C.* (the letter of 2nd July 1952)—that controversies should not be allowed to exceed reasonable limits, etc. The Centre has also approved the 'recent action' of the Punjab Government. The other questions—declaring the Ahmadis a minority and removing the Foreign Minister—do not concern us. We cannot possibly expect the Centre's decision on the first, as it rests with the Constituent Assembly, and we cannot suggest to the Prime Minister to say that the Foreign Minister enjoys his confidence."

Chief Secretary's appreciation

The Centre has expressed its mind.

We have been fooling the same way throughout the inquiry whenever we came across a note or statement—or when it was argued—that the Centre should have expressed its mind. The Centre knew what was happening, and said: Allow them to carry on religious propaganda to the extent which is legitimate, but if they become aggressive, put them down. What you have done in May and June 1952, by way of banning meetings and launching prosecutions, meets with our approval.

However, when the file went to Mr. Daultana at Nathiagali, he wrote a lengthy note on 7th July, which may be reduced as follows: I am already taking steps to secure the formulation of consistent and definite policy by the Centre, and probably a conference will be held at Karachi towards the end of the month. It is unnecessary to make a formal reference to the Centre in view of the Ministry of Interior's letter of the 2nd July 1952 (P. U. C.) and of the obvious and overriding fact that we need no guidance to make us realize our obvious duty to maintain law and order. We should pursue with a heavy hand all those who incite to violence and make our impartiality clear by publicity; we should continue the present ban on meetings, but not interfere with mosques owing to the "sensitivity" of the people. This policy—relating to mosques—is illogical, but "too technical legalistic an attitude" will inflame people, and besides, meetings in mosques have little agitational value.

Mr. Daultana agreed that the Centre had expressed its mind and that law and order was his concern.

In his written statement Mr. Daultana has given a separate heading to the "Efforts" made by his Government to obtain a decision from the Centre, and the first effort that he mentions is the one that he made at Nathiagali, when be met Khawaja Shahab-ud-Din, Dr. Ishtiaq Husain Qureshi, Sardar Abdur Rab Nishtar and others, and was assured by the first two of these gentlemen that they would place his point of view before the Prime Minister. There is

No evidence that any reference to Centre was mentioned at Conference of 24th May.

no indication on the file of the case which resulted in the decision of the 24th May 1952 or on any other file that at that meeting any reference was made to the fact that the matter was for the Centre to consider, and no question was put either to Mr. Ghias-ud-Din Ahmad or to Mr. Anwar Ali during the course of their lengthy statements whether any such subject came up for discussion. This reason for not declaring the Ahrar an unlawful association is consequently without substance.

Next, Mr. Daultana wants to show that notwithstanding their very strong notes, the two police officers and whoever else were present at the conference came to an agreed decision with him. “The whole position was discussed, and the final opinion of everybody was that to declare a political body as illegal was too drastic a step, and that as the Ahrar were an All-Pakistan organisation, such action would have to be taken on an Ali-Pakistan level *and justified before the people who had accepted a democratic form of Government*.”

D. I. G. thinks firmer action would have been taken in the “old regime”.

Firstly, since the case made by the Punjab Government’s counsel was that Mr. Daultana generally put a cold blanket on his officers’ advice, it was for Mr. Daultana’s counsel expressly to question the officers in respect of each major occasion which arose for policy, and Mr. Anwar Ali was not asked why he had agreed to a whittling down of a proposal which had haunted him since 1950. It is true that in answer to a question he stated that “on the basis of my note, dated the 20th May 1952, Government took stern action and imposed a ban,” but in another place he also stated that “if the Ahrar had been declared an unlawful body, as I had suggested in 1950, nothing would have happened in 1952”, that “I suggested this again in 1952, and even then it was not too late”; further, that “the action taken from time to time at my suggestion made me feel that in the olden regime action would have been taken more promptly and effectively”. Unless it ia assumed that Mr. Anwar Ali has tried to reconcile two inconsistent positions—his own since 1950 and that of Mr. Daultana contrary-wise—ordinary interpretation encourages us to place a merely comparative meaning on the words “stern action”. That is to say, the action was stern in comparison with what had been taking place till then. It is also possible that Mr. Anwar Ali was in his mind placing emphasis on the first part of the sentence—“on the basis of my note”—because, primarily, he was concerned to clear his own position and to show how far he himself had tried to bring home to Government the gravity of the situation.

Nothing undemocratic in declaring a body unlawful.

Secondly, we see no logical or causal connection between the circumstance that the Ahrar were an All-Pakistan organisation and the fact that action taken against them as a body would have to be “justified before the people who had accepted a democratic form of Government”. If they had belonged to a provincial organisation, would it not have been undemocratic to declare them an unlawful body ? As it is, their meetings were banned. Whatever served as a justification for this action could also be used to justify the more drastic action. The only proper argument in this context would be that the Ahrar had done nothing so serious as to justify their being declared unlawful, but in that case Mr. Daultana would have to say that the D. I. G. the

Inspector-General were in the habit of indulging in prophetic pessimism—or pessimistic prophecy.

Mr. Anwar Ali's estimate of the Ahrar was correct.

We sincerely believe that what Mr. Anwar Ali has said about the effect of declaring the Ahrar an unlawful body represents a correct estimate of the situation. If this had happened in May 1952, the Ahrar would not have been in a position to extend a religious appeal to the *Ulama*, resulting in the convention of all Muslim parties in July 1952, and if the *Ulama* had not stepped in, the Ahmadi controversy would not have come to be placed on a different footing from any other sectarian controversy with which we are familiar.

THE DECISIONS OF 5TH JULY 1952.

On or about the 28th June 1952, Mr. Daultana went to Nathiagali to attend a meeting of the Basic Principles Committee. The "Zamindar" reported in its issue of 1st July that he had held a two-hour discussion with his officers before he left. Ch. Fazal Ilahi for the Punjab Government argued that during this discussion Mr. Daultana had instructed his officers as to the decisions that were to be taken at the meeting of all District Magistrates scheduled for the 5th July. Mr. Daultana does not remember whether he had held any specific "two-hour discussion", but said he was no doubt meeting his officers fairly regularly. Nor could he say whether he discussed with them the subject matter of the proposed conference.

The conference was presided over by the Chief Secretary and included, in addition to the district delegates, the Inspector-General, the D. I. G. (C. I. D.), the Home Secretary and the Director of Public Relations. The decisions taken were as follows : (1) Orders under section 144 should not mention the venue of the meeting. (2) If an Ahrar or an Ahmadi should address a public meeting not organised by his party, a report should be made to Government if he makes an actionable speech, but he should not be arrested meanwhile. (3) Meetings which take place even outside mosques should not be dispersed, but cases may be registered later for defiance of the ban against prominent leaders of Ahmadis or Ahrar, as the case may be * * * (6) The All Muslim Parties Convention, proposed to be held on 13th July 1952, should not be interfered with (even though it would be in defiance of the existing ban on meetings). It may prove useful if the intending participants—the *Ulama*—are contacted and prevailed upon to denounce violence.

Decisions of 5th July weakened the administrative position.

We have seen how the instructions of the 5th June were diluted by the letter of 28th June—that if a prohibitory order has been defied, action should be taken only against the Ahrars and of them only the prominent ones. The intention was to isolate the Ahrar from other people. Incidentally, it would also isolate the prominent Ahrar from the lesser fry among themselves. It should make the big ones feel that the crown of martyrdom was for them alone. The earlier decision of 19th June, relating as it did to mosques, is intelligible. It would be foolish to disperse a meeting in a mosque or to make arrests there. But to say that meetings held even outside mosques should not be disturbed till the poison is spread, is to turn a prohibitory order into burlesque. A prohibitory order means that the thing it prohibits is not to take place. If a meeting has been proclaimed for a certain hour at a certain place, the simplest thing to do—if it has been prohibited—is to post half a dozen policemen at the appointed place a couple of hours before the meeting to prevent people from assembling, and this is not a thing that we are suggesting for the first time. But the Government says : Let them have fun, and if five persons make speeches and only one of them is an Ahrar, then if he is not a prominent person, let there be no prosecution : the order has not been violated.

Effect of decision of 5th July.

The Centre Government has been told that all Ahmadi and Ahrar meetings have been prohibited. It has the appearance of a big decision in Karachi, and it is noted with satisfaction. But consider the effect of it. The meetings are allowed to take place. Non-Ahrar and non-Ahmadis are allowed to speak, to speak anything abominable, and even the ordinary law is suspended against them. For if the ordinary law is invoked, the policy of isolation suffers. Maulvi Muhammad Ali of Sargodha Jamia Mosque will, therefore, be left severely alone with his blackboard—"Liaqat Ali Khan has misused funds during his American tour"—because he no longer belongs to the Ahrar. How many prominent Ahrar can you produce ? There were six of them in Gujranwala, two in Sargodha, and you can add two for extras. You will find as we proceed that Manzoor Ahmad of Sialkot, described as "a staunch worker against Ahmadis" and Bashir Ahmad, "Khateeb of Jamia Masjid at Pasrur, a bigoted Ahrari and President of the local Majlis-i-Ahrar, who was sentenced for a month in 1932 agitation" were not prosecuted for offensive speeches made on the occasion of the Gulu Shah fair in November 1952 because they were "petty people".

Further criticism.

Then if any unfortunate person is both an Ahrar and a prominent Ahrar and cannot therefore escape prosecution, decision No. 2 comes to rescue him. It says that if an Ahrar or an Ahmadi addresses a public meeting not organised by his party, no action should be taken against him without the previous approval of Government. Knowing that the Ahrar adopted the device of withdrawing their meetings to the mosques when a ban was imposed on them, is it conceivable that it occurred to none of the officers present at the conference that the Ahrar would get some one else to organise the meeting and give it the name of a Defence Conference or some such thing? It is not conceivable, and, therefore, it can well be argued in a world which depends for most things on reasoning and inference, that, under the cover of a ban, the intention was to give the maximum possible scope for holding and addressing meetings. If that was not the intention of the decision, it undoubtedly produced that effect.

These decisions were brought to Mr. Daultana's notice by the Home Secretary's note of 7th July, which is as follows :

Was Mr. Daultana consulted beforehand by the officers ?

> "H. C. M. may kindly see for information. The decisions taken at the conference are in keeping with the general policy already approved of and decided by

> H.C.M. Therefore, they are communicated to all the D. Ms. for necessary action in anticipation of H. C. M's approval so that no time should be lost."

What was "the general policy already approved of and decided by H. C. M."? It was the policy laid down in the conference of 25th May, says Mr. Daultana, "and that policy must have been discussed by me with the officers concerned in the ordinary course of official routine". Ch. Fazal Ilahi said it was discussed just before Mr. Daultana left for Nathiagali in a "two hour meeting". Mr. Daultana's statement does not contradict this allegation seriously. But if the reference is to the policy letter of the 25th May; why have two such additional decisions been taken as virtually nullify the effect of the earlier decision ? Mr. Daultana does not think the two letters were inconsistent. "The letter of the 6th June merely banned the meetings but did not direct their dispersal by force." But look at the language of the letter of 6th June : "After careful consideration, Government have decided that in the general interest of the public peace and tranquillity, neither the Ahrar nor the Ahmadis should be permitted to *hold* public meetings under any name or garb. You should, therefore, take *preventive* action under section 144, Criminal Procedure Code, whenever any party *intends* to hold a public meeting." We think it is very illogical to say that although the object was to prevent a meeting from taking shape at all, if the police arrived five or ten minutes late, and five or ten persons had already collected, they were not to be dispersed. Carrying this logic further still, from that stage onward the police could *prevent* people from assembling. If the conveners of the meeting were satisfied with carrying on the meeting with five or ten persons already assembled, or as many of them as had assembled before the arrival of the police, they would be allowed to do so.

But then why was it necessary to hold a conference on the 5th July ? The case of mosques had already been covered by the message of 19th and the letter of 28th June, and in broad principle the policy letter of 5th June continued to hold the field. It is here that the words "approved of and decided by H. C. M." become significant. They have particular reference to the Chief Minister, not to a previous policy letter.

It is unfortunate again that neither Mr. Ghias-ud-Din Ahmad nor Mr. Anwar Ali were questioned about the "two-hour" discussion. Here the fault is not only that of Mr. Yaqub Ali, who had to explain away the obvious meaning of the Home Secretary's note, but also that of Ch. Fazal Elahi, who was trying to prove a meeting. But his contention is that the meaning is clear enough, and the circumstances, as we have pointed out, are in his favour.

"ASSURANCE" BY THE AHRAR ON 19th JULY, 1952.

This period ends with the famous "assurance" by the Ahrar to keep the peace but not to be of good behaviour. Before discussing it, however, we wish to refer to a note of the D. I. G. which gives an indication of the Ahrar mind immediately before the assurance. Master Taj-ud-Din and some others had by this time been arrested for violating prohibitory orders. Mr. Anwar Ali wrote the following note (in substance) on

5th July : two Ahrar leaders meet D. I. G. They do not accept his suggestion of "apology"

Mr. Anwar Ali's fears.

5th July, 1962 : "Maulana Akhtar Ali Khan came today with Maulvi Ghulam Ghaus Sarhaddi, now President of Ahrar. The object was to give an assurance that no speeches will be made which are likely to disturb public peace, provided the persons arrested were released and section 144 was withdrawn. I explained the decisions reached today at the officers' meeting and told them Government might consider release, etc., if the two leaders apologised. Maulvi Ghulam Ghaus Sarhaddi said that so far, he and his party were of the belief that Master Taj-ud-Din had not committed any wrong. Once it is realized by the Ahrar that Government will not change its decisions, they will be more disposed to come to a settlement."

7th July 1952: Mr. Qurban Ali Khan—"I do not think Government have any cause to change their decisions that law and order shall be maintained. Whatever tends to cause disorder must be hit on the head, well and hard."

The Home Secretary forwarded the note with the remark that the Ahrar were realising that they are being isolated, and Mr. Daultana initialled the note on 8th July.

Ahrar defeat Government's effort at isolation.

The Home Secretary's note that the Ahrar realized the effect of the policy of isolation reminds us that the Government also viewed their isolated state sympathetically and allowed them to invite the Ulama of all parties to relieve the monotony of their isolation. It should have been foreseen that the Ahrar were making a very open bid for breaking loose from the ring which the Government thought it had forged round them, in which case the wisdom of allowing the convention to be held in defiance of the law is questionable. The law was an ass, but they have made it a joke now. The ostensible object of allowing the convention was to contact the Ulama before the meeting and persuade them to preach against violence. Mir Nur Ahmad, D. P. R., says the Chief Minister particularly asked him to contact Maulanas Abul Hasanat Sayyed Muhammad Ahmad Qadri, Muhammad Bakhsh Muslim and Ghulam Murshid. He was given to understand that "in the atmosphere of the convention" these Maulanas could not secure a decision "on the desired lines." But if the Chief Minister was interested in the decision, as he ought to have been, it is remarkable that neither did Mir Nur Ahmad inform him that the "contacts" had failed nor was Mir Nur Ahmad asked by him as to the result. These Maulvis began to take an active part in the agitation, and in October, 1952, the Department of Islamiat, determinedly ignoring these activities, selected them for making lectures on payment.

"Contacting" policy failed, but notice of it was not taken.

Mr. Daultana said it was not his policy that the Ulama should be encouraged to attend this convention. (The decision had been taken at the meeting of officers on 5th July.) On seeing file No. 16(2)94, however, he agreed to having written the following note on 5th July : "This convention may actually prove to be useful from the Government point of view if the intending participants were contacted by District Magistrates or D. P. R. and prevailed upon to denounce violence and defiance of law".

But these remarks as to the convention have been provoked by the use of the word “isolated” in the Home Secretary’s note. It occurred to us that the two positions were inconsistent. We take no serious objection to the hope entertained, if it was entertained in good faith, and it is possible to have two honest opinions in this matter.

To revert to the meeting of Maulana Akhtar Ali Khan and Maulana Sarhaddi with the D. I. G., it will be noticed that the Ahrar were not prepared to apologize, and wished Government to withdraw the ban and the prosecutions on their own terms. They would continue making speeches, but the speeches will not be such as were likely to disturb the peace. There is at least an implied admission that hitherto the speeches possessed that quality. Next, there is noticeable in the D. I. G’s note a fear that Government might change its decisions and Mr. Qurban Ali Khan assures him that Government will not change its decision to maintain law and order. But Mr. Anwar Ali’s fear was soon realized. We are not thinking yet of the agreement with the Ahrar. We are thinking of the withdrawal of cases in Gujranwala on the 14th or 15th July. When questioned as to these, Mr. Daultana said it was merely a technical decision taken by the officers in respect of two Ahrar leaders who had already been convicted on similar charges in Sargodha. Firstly, if a person commits one act of cheating in Sargodha and another in Gujranwala, it will not be a technical decision to withdraw the case at Gujranwala, and there will be no justification for it. If a District Magistrate makes that foolish suggestion, he should be told that it is foolish. Secondly, the decision related to six persons of whom only two had been convicted in Sargodha. When this was brought to Mr. Daultana’s notice, he said he did not recollect having attended the officers’ meeting of 15th July at which this decision was taken, as no matter of policy was involved. When, however, his attention was drawn to the following note of the Home Secretary, dated the 18th July :—

Gujranwala cases withdrawn : 15th July 1952: Mr. Anwar Ali’s fears realized.

Withdrawal unjustified.

> “The Gujranwala case was withdrawn yesterday. I sent for the D. G. on 15th, immediately after our meeting with H. C. M. and communicated to him the decision of Government when he came to see me on the 16th.”

—he said he must have agreed to the withdrawal. “My impression is that these persons had been arrested merely for attending a meeting in contravention of section 144, and as there was considerable agitation in the city, the District Magistrate of Gujranwala contacted the Home Secretary.”

Even if this explanation is correct, Mr. Anwar Ali’s fear that Government might change its decisions was realized. But it is not correct, for we have seen in Part II of these Minutes, that no suggestion came from Gujranwala.

On the same day when the decision to withdraw the prosecution was taken, Mr. Qurban Ali Khan made a note that the convention of Ulama had a very adverse effect on people, that the Ahrar had gained their object by exciting their sentiments on, religious issues, that there was a race between the Government and the Ahrar,

Convention of Ulama on 13th July had adverse effect : says I.G.

that the Government should be on its toes and let no grass grow under its feet. The Home Secretary wrote to the same effect and Mr. Daultana saw this file on 16th July. He was asked by the Government counsel whether, in the face of these notes, showing as they do that these officers held very strong views about the situation, he still insisted that the decision to withdraw was that of the officers and not his own. The answer was as follows : "This file came to me for information only. The question of withdrawal had nothing to do with it." It was then pointed out to him that in this very file there was a note, dated the 16th July, by the Inspector-General that the subject was discussed at the previous day's meeting. In other words, the subject of Mr. Qurban Ali's note of 14th July was discussed with the Chief Minister in the meeting of 18th July, Mr. Daultana thereupon agreed that he must have been present at the meeting. The answer to the first question, however,—that officers with such strong views could not have agreed to the withdrawal of prosecution—still remains to be given. It is impossible to believe that while on paper Mr. Qurban Ali Khan agitated his mind over the tactical victory which the Ahrar had gained by the convention and warned Government to be on its toes and let no grass grow under its feet, in the conference he advised Mr. Daultana to withdraw the cases because people were upset—as, after all, they had merely defied an order. After all, an order of Government in a democratic set-up is subject to the implied proviso that the execution thereof will not agitate the public mind. We mean, Mr. Qurban Ali Khan, as a police officer, could not have worried about "justifying" the prosecution "before the people who had accepted a democratic form of Government". This contribution to the meeting must, therefore, have been made by Mr. Daultana himself.

Ahrar's "Assurances": 19th July 1952.

Now we come to the actual "assurance". It is well-known. Some Ahrar leaders undertook to make a statement condemning violence and Mr. Daultana in return agreed to with-draw the ban and prosecutions. Mr. Daultana says they told him it was not their intention to break the law, but the movement was an article of faith with them and it was their right to put the issue before the people constitutionally. At the same time, they were convinced that it was their political and religious duty to protect the Ahmadis, their property and their honour. It was understood that after the withdrawal of the ban, they would continue their normal political activities, but do nothing to jeopardise law and order. In answer to a question by ourselves, Mr. Daultana said that it was implied on his part that in the past the Ahrar's normal political activity was accompanied by acts of violence, but that he was not sure if the Ahrar also admitted this position. This accounts for our earlier observation that while they promised to keep the peace, they did not promise to be of good behaviour.

The Ahrar said in their statement that neither had they in the past committed any act in breach of law and order nor did they intend committing such act in the future. This takes us back to Mr. Anwar Ali's insistence on an apology and Maulana Sarhaddi's insistence that there was no case for an apology. But we have no intention of devoting any time to the merits of the agreement. With Mr. Anwar Ali's exception, the officers are all agreed, for different reasons, that it was the best course to adopt under the circumstances. Mr. Qurban Ali Khan said it exposed the Ahrar to the criticism that they had no liking for the prison, Hafiz Abdul Majid said that as an administrator he would give them a chance. Mr. Ghias-ud-Din Ahmad said that on a religious question a prohibitory order could not remain effective for long. He also said that although the decision had already been taken by Mr. Daultana, when it was put before the meeting, everybody agreed.

Acceptance of "assurance" not *per se* objectionable.

Mr. Anwar Ali said that it was due to the wholesome effect produced by the prosecutions that the Ahrar came in a deputation to the Chief Minister and gave a written undertaking to keep the agitation within legal limits. "They did not, however, abide by the promise. If I had been consulted, I would have said that the withdrawal of these prosecutions and the release of these persons was injurious, because I knew the Ahrar to be unreliable."

III. AFTER THE "ASSURANCE".

"The undertaking by the Ahrar was followed by a lull and then again a spate of objectionable speeches started. After calling off this action, if action had been taken to prosecute all the people who were delivering objectionable speeches, or if preventive action had been taken against some of them, then the agitation could have been curbed further."—Mr. Ghias-ud-Din Ahmad.

With these remarks of the Home Secretary in mind, we can now start examining some incidents following the 19th of July 1952 and test the good faith of the decision to let the Ahrar carry on the agitation in a "constitutional" manner.

At Qasur : 25th July 1952.

(1) At Qasur, on the 25th July 1952, after Juma prayer there was a meeting, and one of the speakers was a "bad character", Alam Shah. Thereafter a procession was taken out, with beating breasts. One man shouted "Zafrullah Kanjar" and others joined in chorus of "Hai, hai". Then Alam Shah and another procured a she-ass and wrote on it "Begum Zafrullah", seated a man on it and garlanded him with shoes. He wore a top-hat with "Ghulam Ahmad Mirza" written on it. The procession halted in front of an Ahmadi's factory and shouted : "Destroy Mirzaeeat", "Zafrullah Kanjar", "Zafrullah Kutta", "Zafrullah Soowar" for about fifteen minutes.

D. I. G. and I. G.'s remarks.

Mr. Anwar Ali noted on the diary relating to Qasur that fanatical elements and Maulvis had gained strength and that hooligans had jumped into the arena. Mr. Qurban Ali Khan said : "This is the outcome of all agitations in defiance of law. One lawlessness breeds another lawlessness and unless some preventive method is possible, it ends in a revolution. This is a lesson of history which may be delayed but cannot be belied."

The Chief Minister initialled the note on 12th August 1952.

But no action.

But we are not going to put any more faith in these notes. They seem to be intended to make good reading. They do not say: “But where is the Ahrar’s promise ?” They don’t propose any action, and Mr. Daultana says he was not taking any action where no action was proposed, unless it was a glaring case of inaction. This certainly was not a glaring ease! Again, we have lost faith in these notes because if Mr. Daultana holds another conference, they will all agree with him in holding that this is not a democratic approach to the problem. The Foreign Minister has been grossly insulted, true enough, but unless the Central Government decide whether the demands are to be accepted or rejected, how can one say whether the abuse is or is not justified?

D. I. G., says movement is in the hands of riff-raff.

On 31st July, the D. I. G. made the following note on a source report: “The movement is no longer canalised, but has got into the hands of the riff-raff * * * * I am not sure about the *bona fides* of the Ahrar.” So far we had not heard that Government intended “canalising” the movement, and therefore do not know which way the canal was to be directed. But this word may be borne in mind.

Mock funerals of Foreign Minister.

(2) On 24th July 1952, the D. I. G. informed Government that mock funerals of the Foreign Minister had been taken out at several places in the province and that this constituted an offence under section 23, Public Safety Act. The Home Secretary said that the Safety Act should not be used, but that the Chief Minister might talk to the Ahrar leaders to abide by the undertaking, as parleys with them at a lower level had proved futile. The Chief Minister signed the note on 30th July. In his statement in Court, he said he took no action because he agreed with the Home Secretary. But the Home Secretary, when he discouraged the Safety Act, was apparently thinking of section 3, by which a person is detained without trial. Section 23, however, is on the same footing as any section of the Penal Code, and if Mr. Daultana agreed with him because Mr. Daultana also had section 3 in mind, then it is very fortunate indeed for the law-breakers that both the Chief Minister and the Home Secretary had the same conception of section 23 as they had of section 3. But even Mr. Daultana admitted that in 1952 there were ninety persons detained under the Safety Act and that none of them was a political detenu.

Action not approved under Safety Act.

Because Safety Act is a bugbear.

But no warning either. :

He added that so far as the Home Secretary’s note recommended that the Ahrar be reminded, he did not consider any further interview with them necessary as in his speech of the 27th or 28th July to the Muslim League Council he had clearly asked the Ahrar leaders to adhere to their undertaking. We think this is what they call an explanation. We come across them in press conferences, but not in law Courts.

(3) On the 26th or 27th July, there were demonstrations on a wide scale outside the Muslim League office when a meeting was being held; stones were thrown at motor

cars; quite a number of policemen and some members were injured. Begum G. A. Khan had to be carried away in an injured condition. The police had to use tear gas and *lathis*.

An objectionable pamphlet—4-8-52.

(4) A pamphlet entitled مرزائیوں کے ناپاک عزایم came to the notice of the C. I. D. on 4th August 1952. In the first chapter, relating to fundamental beliefs, there are quotations from the writings of Mirza Ghulam Ahmad. "Those who do not believe in me are swine and bitches", is an illustrative quotation. In the second chapter it is stated that the Ahmadis still believe that Pakistan will reunite with India, In the third chapter it is stated that Chaudhri Muhammad Zafrullah Khan is opposed to the establishment of Pakistan.

The objects or at least the effect, of the pamphlet clearly was to rouse and maintain bitter feelings between two sections of people.

No action.

The Assistant to the D.I.G. recommended proscription. The D.I.G. said on 3rd September 1952, that a month had passed since the pamphlet had first come to notice and that no useful purpose would be served at this stage by proscription. The Home Secretary agreed and the Chief Minister initialled the note.

Multan : 21-8-52.

D.I.G. suggests warning.

(5) On the 21st August 1952 there was a meeting at Multan at which public servants were particularly castigated. The D.I.G. noted on the daily situation report that inflammatory speeches against public officers undermined their morale, that the leaders had been released in order that they should tell their colleagues to keep within the limits of law, that they should be called now and administered a warning, that they were utterly unreliable, though it was worthwhile warning them a second time, that the meeting which they proposed on 29th August at Multan to celebrate a "Martyr's Day" should be banned, that since according to the report of Kayani J. on the Multan firing the officials were not at fault, if the Ahrar, still hold them up to criticism, it was against all principles of decency.

Warning to local leaders only.

The Chief Minister did not approve the proposal to ban the meeting, but agreed to a warning being issued that they should behave at the meeting. The Deputy Secretary, Home, had proposed that press notes be issued about warnings having been administered. This also was not approved. The local leaders were warned through the Commissioner. The Home Secretary inquired whether a general warning should be administered to Ahrar leaders also, adding, in his own handwriting (the rest of the note is in type), "I think we may wait for a little longer".

General warning unnecessary.

The Chief Minister said on 31st August: "I don't think we need bother about a general warning at this stage."

“Martyr’s Day” meeting constituted a protest against judicial finding.

We have referred to the Multan firing elsewhere. It occurred on the 19th July 1952, when the police station of Kup found itself surrounded by a threatening mob. After the firing, as a concession to public feeling, the Government directed a judicial inquiry which was conducted by one of us. It was held that the firing by the police was justified as a measure of self-defence. That should have satisfied all right-minded people, if they had any regard for judicial independence and the dignity of a judicial finding. The celebration of a Martyr’s Day thereafter implied a disapproval of that finding, and Mr. Anwar Ali rightly laid stress on decency. This point was lost on Government. The law of contempt is a law of decency.

Criticism of Pakistan Army : August 1952.

(6) Fortnightly Report from the Provincial to the Central Government for the first half of August 1952. It was stated in this report that a certain Maulvi Ahmad Khan of Sargodha, speaking at Samundri, criticised the Pakistan Army because its officers were given to dancing and drinking, and charged high officers of Government with corruption and favouritism. The Central Government was naturally perturbed, and asked for a report, inquiring what action, if any, had been taken by the Province : The reply was that although the Maulvi had used defamatory language and endeavoured to spread hatred against the Army, since he was an unknown entity, it was better to ignore him.

The speaker was “an unknown entity”.

Montgomery speeches : 25-8-52.

(7) At an Ahrar meeting on the 25th August 1952, at Montgomery Maulvi Muhammad Ali Jullundri told his audience that the Government was compelled to give way and withdraw section 144. Mirzaeeat was no religion but a farce, and Mirzais were worse than sweepers or cobblers. The Ahrar no doubt were deadly against the creation of Pakistan, but they are loyal now, while the Ahmadis are still trying to reunite with India, The Mirza of Qadian was immoral: many murders were committed as a result of his *haram sara* affairs. Mirzais should not be allowed water from water taps or to sit with you in the same tonga. They should be forced to embrace Islam. It is true that Chaudhri Muhammad Zafrullah Khan’s reply to the Prime Minister’s communique of 14th August was objectionable, but he had to squeal because he got it in the bottom.”

The Chief Minister saw this report on 18th September 1952.

Perhaps even “at this stage” it was unnecessary to bother about a general warning. But where was the law of the land? Did nobody feel ashamed of this speech ?

No suggestion, no action.

But we are forgetting that no action could be taken by Government because no action had been suggested by the C.I.D, or the Home Secretary. And as for the District Magistrate and the Superintendent of Police, we suppose they were occupied with other duties which have fallen to them since the Partition—“reception of dignitaries”, as the District Magistrate of Lahore said.

At least we know now what the Ahrar themselves thought of the "Assurance" they had given. According to Maulvi Muhammad Ali Government had been compelled to give way. Maulana Daud Ghaznavi put the same thought, in a different form when he stated in the Lyallpur Convention of 26th—28th September that the lifting of the ban was evidence of the fact that Government had submitted.

What the Ahrar thought of the "assurances".

(8) On 29th August 1952, Mr. Nazir Ahmad, S.P.(B), on a reported split between Master Taj-ud-Din's group and Sheikh Husam-ud-Din's group, recorded an opinion that "the Council of Action was showing signs of decadence and disunity". This was regarded by Mr. Daultana as "interesting", and he asked the C.I.D. to inform the Central Government "of these developments and their likely consequences". In the report, however, S.P.(B), mentioned a *fatwa* given on 14th October 1952, by Maulana Daud Ghaznavi and three other *Ulama* to the effect that those who regarded Mirza Ghulam Ahmad as a prophet or even a *mujaddad* or *imam* were *murtadd*, liable to be killed according to Islam, and that a Government which does not execute this injunction should be boycotted. This was to be put up for ratification before certain *Ulama* who were expected from Karachi but who did not turn up. He also mentioned objectionable speeches at Jhang, Lyallpur, Tulamba, Montgomery, Barana and Rangu (Campbellpur), winding up with the opinion that the agitation was "practically dying and the leaders were trying to keep it live for maintaining their importance and collecting money". The contents of the report do not leave any scope for complacency, and it seems that Mr. Nazir Ahmad was misled by the reported split between the two groups. The other police officers were not so happy. Mr. Anwar Ali said on this note that although the Ahrar leaders were "a bit tired", there was no reduction in the number of meetings and that the agitation had dangerous potentialities. The Inspector-General said on 23rd October 1952: "If it is allowed to go on in this fashion, we shall one day be faced with serious troubles and It may become difficult to control it. He sent up the note to the Governor, not the Home Secretary or Chief Minister. Mr. Anwar Ali says this was probably done in the belief that the Governor might bring the matter to the notice of the Central Government. It was because we also had that feeling that we put the question to Mr. Anwar Ali. Mr. Qurban Ali Khan apparently did not think that the Provincial Government's treatment of the situation was satisfactory, and he took the unusual course—perhaps objectionable from the Ministerial point of view—of trying to interest the Governor.

Was the agitation dying?

I. G. sends a note to the Government, not to Chief Minister.

But the Governor merely initialled the note.

(9) Between 19th August and 9th September 1952, S.P.(B), thus reviewed the situation, with reference to its effect on the Ahmadis :

Review of situation: August-September 1952.

> One hundred and fourteen Ahmadis had forsaken their faith since July 1952, principally in Multan, Lyallpur, Montgomery and Jhang.

Eleven Ahmadis had left residence, apparently with families.

Two male and four female Ahmadi teachers had been discharged by the Wazirabad Municipality on 25th July 1952. The Deputy Commissioner had suspended the order.

Mr. Anwar Ali remarked : "Pakistan has returned to the Middle Ages". Mr. Daultana signed the note on 17th September 1952.

These conversions remind us of Sardar Abdur Rab Nishtar's observation that, while Governor of this province, he had no apprehension of a breach of the peace from the Ahmadiyya community, because it is a small community. Therefore, if threatening speeches are made against the Ahmadis, there is no fear of a breach of the peace, for they can always renounce their faith.

Daska speeches : 21-9-52.

(10) All Muslim Parties' Convention at Daska on 21st and 22nd September 1952.—The following is a resume of the objectionable portion of the speeches made at this convention :

M. Ghulam Nabi Janbaz : Mirza Ghulam Ahmad was a juggler (مداری) a wretched person, a womaniser.

Maulvi Muhammad Ali Jullunduri : Chaudhri Muhammad Zafrullah Khan is responsible for the stalemate in Kashmir.

Sahibzada Faizul Hasan : Just as a jackal cannot be trusted with melons and a cat with meat, so Zafrullah and other Mirzais could not be trusted with Pakistan, as they were traitors. Mirza Ghulam Ahmad was "nonsense". He used *gur* for latrine use, mistaking it for clay. If Mirzais do not embrace Islam, we shall do all in our power to achieve that end. In that case they will lose their allotments of land, factories and bungalows and also Rabwah.

Sayyad Muzaffar Ali Shamsi : Mirzais are base, mean, lacking a sense of honour.

Sheikh Husam-ud-Din : Zafrullah had underhand links with India and had occasioned the division of Palestine to give a stronghold to Jews, in the interests of the Anglo-American bloc.

Sayyad Ataullah Shah Bukhari : They are a band of spies (Then there is something about Queen Victoria and the present Queen which had better be left unsaid).

(11) The "Ehsan" of 25th August 1952, referring to Mirza Ghulam Ahmad as a "banaspati Nabi", advertised "Janbaz Pocket Book", containing indecent matter in relation to the religious controversy, first published in February 1952.

Sheikhupura speech 9-10-52.

(12) Convention at Sheikhupura on 9th October 1952 and Chuharkana on 10th October 1952.

Sahibzada Faizul Hasan : A man who could not save the honour of Nubuwwat and the Prophet's daughter could not protect Pakistan. Mirza Ghulam Ahmad said those who did not accept him were the progeny of prostitutes. The Punjab Ministers and Khwaja Nazim-ud-Din also did not accept him. They should protect their mother's honours at least, if they did not protect the Prophet's honour.

Mirza Ghulam Nabi Janbaz : This snake of straw—Zafrullah—was more dangerous than external enemies.

We are fighting constitutionally. Buy my books :

Sayyed Muzaffar All Shamsi : Khwaja Nazim-ud-Din and Daultana should respect the feelings of the people, who had given them "chairs" and could take them back. Gurdaspur was lost through Zafrullah. Mirzais did not hesitate to offer girls to achieve their object.

Sheikh Husam-ud-Din : Zafrullah was a spy and a traitor.

The D. I. G. wrote on this report that the Ahrar continued spreading bad blood. The Chief Minister initialled the note.

Chief Minister signs.

THE DECISION OF 24TH DECEMBER 1952

Under this head we shall deal with a number of files which were postponed for a discussion with the Chief Minister and in respect of which a decision was ultimately taken on the 24th December.

Rawalpindi speeches: 15-11-52.

(A) *Convention at Rawalpindi on 15th and 16th November 1952*—The following extracts from speeches deserves notice :—

(1) Master Taj-ud-Din : Zafrullah will have to face a trial after his removal for anti-State and anti-Islam activities.

(2) Qazi Ehsan Ahmad : The struggle is between *ghaddar* and *wafadar* or between truth and falsehood. * * * In these days the terms interest and profit, bribe and fee, spy and prophet are synonymous. Violence is permissible for the protection of Islam, though not for its propagation. The Mirzais want to rejoin India.

Violence is lawful.

Muhammad Miskin : Don't let Mirzais be buried in your graveyards.

Abdullah Shah : Mirzais were caught smuggling arms. Mirza Ghulam Ahmad was a Dajjal, a false nabi.

Master Taj-ud-Din (second day) 'Cease fire' had been manoeuvred by Mirzais. Not even during British regime was section 144 applied to mosques. If Government feel reluctant to declare the Ahmadis a minority, boycott them socially and economically. Ammunition weighing one maund, ten seers and four chataks had been imported into Rabwah. (How precise is the information !)

Hafiz Muhammad Saeed : In Gujranwala, shops were keeping separate utensils for Mirzais. (Which means, you also should do the same thing.)

Maulvi Muhammad All Jullundri : Mirzais were *zindeeq* and punishable with death. Every Muslim should add the word *kazzab* (liar) to the name of Mirza Ghulam Ahmad. Whoever kills a pretender gets the reward of a hundred martyrs.

Hakim Fazal Karim : Mirza was not a *sharif insan* (a gentleman).

Sayyad Ataullah Shah Bukhari : Mirza Sahib said he was impregnated by God. His God was guilty of an offence under section 376 P.P.C.

Action against Jullundri recommended.

On 21st November, S. P. (B), reported that it was time Maulvi Muhammad Ali Jullundri was prosecuted or detained. This was an honour for Jullundri, because the speeches were unexceptionally good and it was difficult to make a choice. But the choice apparently was on the "order" side, and the "law" side was ignored. However, the D. I. G. wrote on the 25th November 1952 that the Chief Minister had directed that on return from Karachi he would hold a discussion and decide how to deal with militant and sectarian speeches.

Lyallpur speeches : 26-9-52.

(B) *The Lyallpur Convention 26th and 27th September. Samundri, 28th September* — Sahibzada Faiz-ul-Hasan : Mirza Sahib was a man of low morals and worthy of prosecution under the Goondas Act as he had outraged the modesty of the Prophet's daughter, He and Zafrullah were goondas.

Sheikh Husam-ud-Din : Zafrullah is *khabees*, (This word means foul, abominable, wicked, filthy or impure.). He should be prosecuted.

Sayyad Ataullah Shah Bukhari related his favourite story about Queen Victoria. He added that Mirzais were responsible for the air crashes of Jangshahi and Kahuta.

Ban on Ataullah Shah Bukhari recommended.

On these speeches the D.I.G. suggested on 28th October 1952, that some kind of ban on Sayyed Ataullah Shah Bukhari was necessary. He might be restricted to one district. The speeches were corrupting the nation. The Home Secretary said the time had come when Government should review the whole position. The tone and tenor of the speeches was highly mischievous. A meeting was suggested for discussion.

(C) *Speeches made at Gullu shah fair (Sialkot) on 3rd October 1952* — Maulvi Bashir Ahmad and Qazi Manzur Ahmad said Mirza Ghulam Ahmad was a liar and Dajjal and urged the boycott of Ahmadis. The latter added that if Mr. Daultana came to Mirza Sahib's help, he would be confronted with shoes. "If Mirza Ghulam Ahmad had said that he had placed his head on the knee of Khwaja Nazim-ud-Din's daughter, you would see what happens." (The reference is to Mirza Ghulam Ahmad's vision that he had seen his head in the lap of the Prophet's daughter, but it was implied that he spoke as one speaks of his mother.)

Speeches on the 7th October : Maulvi Bashir Ahmad related a story of 1936 when one Dr. Ehsan Ali had raped a sister-in-law of Mirza Bashir-ud-Din Mahmud Ahmad, who had him punished with ten shoe-strokes given by herself. The shoe-strokes of the beloved fall gently like flowers. Islam prescribes stoning to death for adultery. If rape is committed with a woman of——— 's family * * *."

Maulvi Karamat Ali thus spoke : "Mirza Ghulam Ahmad says : 'Arise, ye swine, and recite your prayers'. These are his manners. If Khwaja Nazim-ud-Din is a Sunni, then he also is the progeny of prostitutes and his womenfolk are bitches, says Mirza Ghulam Ahmad ."

Renegades are put to death.

One of the resolutions passed at this meeting was to the following effect : This meeting demands of Government the declaration of Ahmadis as a minority community because they are renegades, and a renegade according to Islam is punishable with death. To put them to death is no offence in Islam and it is not the duty of Muslims to protect their lives and property. A renegade's life has no value, but this is so when there is an Islamic State.

District Magistrate recommends prosecution.

On the 18th November 1952, the District Magistrate of Sialkot, at the instance of the Superintendent of Police, asked Government, in obedience to the policy letter of 5th July 1952, for permission to prosecute the aforesaid three speakers. S. P. (B) (Mr. Nazir Ahmad) noted that Manzur Ahmad was a staunch worker against Ahmadis while Bashir Ahmad was a bigoted Ahrari, Khateeb of Jamia Mosque at Pasrur and President of the local Majlis-i-Ahrar. Three days later, on 21-11-52, Mr. Nazir Ahmad noted that the prosecution of these persons will create a "fuss" in Sialkot, but Mr. Anwar Ali said: "We should lose no opportunity of prosecuting disruptionists who try to undermine the stability of the State at this juncture".

But recommendation is not accepted because they are "petty people".

The case was kept pending until the meeting of the 24th December 1952, between the Chief Minister and his officers, when it was decided that "where a speech offends against ordinary law, legal action should be taken". On 3rd January 1953. Mr. Nazir Ahmad, while communicating this decision to the Superintendent of Police at Sialkot, added, entirely on his own responsibility, that he understood the three Maulvis in question to be "petty people", and that it would not serve any useful purpose if they were prosecuted. We think this conduct is unprecedented and very objectionable. Possibly the C.I.D. officer also felt that where his Government had extended divine tolerance to so many other offenders against law, he would not be far wrong in extending it to another few.

(D) *The Sialkot Convention on 9th and 10th November 1952*—Maulana Abul Hasanat Sayyad Muhammad Ahmad Qadri : Khwaja Nazim-ud-Din was "Allah Lok"—eating was a different matter. Some *pahlwans* were intended merely for eating. It made no difference whether he consumed one, two or twenty chickens.

Sahibzada Faiz-ul-Hasan : I would call Mirza Sahib a Dajjal and Kazzab. He had called those persons a breed of swine who did not believe in him. Khwaja Nazim-ud-Din and Mr. Daultana fall in that category.

Maulana Daud Ghaznavi: Qadian and Nankana were about to be declared open cities; the one delivered to Ahmadis, the other to Sikhs, through Chaudhri Muhammad Zafrullah Khan's effort, and it only remained for our foolish ministers to sign.

Master Taj-ud-Din : This 6 ft. 2 inches of a renegade, the Foreign Minister of Pakistan. Mandal and Zafrullah were both non-Muslims. Both were selected by the Qaid-i-Azam. Mandal had run away and it is not known when Zafrullah will do so. Zafrullah had himself declared that if he resigned, he would leave Pakistan. He should not be allowed to leave, but prosecuted.

Sheikh Husam-ud-Din : The British got the Mirzais established in order to ban Jihad. They were spies of the British. Two Ahmadi officers, a Major and a Lt. Colonel, were caught smuggling arms near Attock. And yet Gurmani and Daultana did not believe

Maulana Abul Hasanat Sayyed Muhammad Ahmad when he told them that Mirzais were carrying arms to Rabwah.

(E) *Conference at Shujabad on 19th and 20th November 1952* — Maulvi Ghulam Ghaus of Hazara : Mirza Ghulam Ahmad got his legs and thighs kneaded by women and Bhano was one of them. He used to see naked women and his son admitted that lie used liquor. (Why does he worry particularly about Bhano?)

Maulvi Muhammad Ali Jullundri : Mirza Ghulam Ahmad was his mother's darling but an owl's progeny nevertheless. The country was unfortunate in having Khwaja Nazim-ud-Din as Prime Minister, but his mother was fortunate to have a son who became Prime Minister.

Sayyad Ataullah Shah Bukhari : Mirza Mahmud Ahmad's father died in a latrine and mine in his house. When he died in the latrine, he vomited from the other side. Queen Victoria * * (the same old story). Mirza Sahib said he was made to feel like a female and Allah had intercourse with him. He remained pregnant for ten months, then there was pain. He caught hold of a tree and he was born. * * He urinated frequently during the day.

I) I. G. advises against unilateral action in law and order sphere.

The D. I. G. said on the 8th of December 1952, on a report about these speeches, that the proper course would be to prosecute both these bodies (the Ahmadis also ?) but as the Central Government declines to define its attitude towards the Ahrar and Punjab Government cannot act unilaterally, he suggested merely a warning.

Really we were surprised. How can there be bilateral action in the matter of law and order?

In addition to the cases mentioned in (A), (B), (C), (D) and (E), the following files also were put up in the meeting of 24th December.

Ahmadis fit to be murdered.

1. File relating to the speech of Maulvi Abdul Khanan of Campbellpur, that Mirzais were fit to be murdered and Khwaja Nazim-ud-Din was a Kafir, a *murtadd*, a fool and an ignorant person.

2. File relating to a poster "ذرا سوچیں تو ختم نبوت کا منکر کون ھے" issued by the Ahmadis early in October 1952. In effect, it said: "How can you believe in Khatm-i-Nubuwwat if you believe that Jesus is to appear one day?" The District Magistrate of Montgomery recommended prosecution but S. P. (B.) and D. I. G. did not agree. The Inspector-General, taking the same view added that the Ahmadis should be told for their own sake not to controversy.

Decision of 24th December 1952 :

There need have been no decision about ordinary law.

We do not know how these cases were approached. We have no doubt that in a conference presided over by the Minister in charge of law and order and including the most responsible officers of Government the question that the Ahrar had not honoured their "assurance" must have been the very first matter for discussion. We have no doubt that they were all convinced, as we are, that each of the speeches we have quoted offends the ordinary law, in which we include also section 23 of the Public Safety Act because it involves a trial according to ordinary procedure. What was it then that required particular discussion if the decision was to be only this, that where a speech offended against the ordinary law, the speaker should be prosecuted, but that no further action was necessary? Does it not mean that even the ordinary law was not functioning until the 24th December 1952? It means either this or it means that, in actual fact, no decision was taken.

Ordinary law remained suspended even afterwards.

But even after this date the ordinary law remained suspended. We have seen how Mr. Nazir Ahmad, S. P. (B) suspended it on his own motion in the Gullu Shah case. He started with the plea that prosecution will lead to unnecessary fuss. He ended with saying that the speakers were too "petty" for prosecution. In all cases, one of these two positions must arise. The offender will be either an important person whose prosecution might rouse further agitation, or a petty person who is beneath contempt, and Mr. Nazir Ahmad covered both cases. He had noticed that the Gujranwala prosecutions had been withdrawn in July because people had become agitated; but that the Ragra of Bhera's "Mast Qalandar"—"an abusive and insulting criticism of the founder of the Ahmadism"—was ignored because the writer might gain notoriety if prosecuted.

No regard for religious and personal honour

The Government obtained an assurance from the Ahrar to safeguard the life, property and honour of the Ahmadis. The Government themselves paid no regard to the religious honour of the Ahmadis as a body and to the personal honour of some important members of their community. They paid no regard even to the official dignity of the Prime Minister.

The "Azad", 12-11-52.

We said that even after the 24th December 1952, the ordinary law remained suspended. Take, for instance, the "Azad" of 12th November 1952 (a daily organ of the Ahrar, edited by Master Taj-ud-Din), which made the following contribution to decency in its "editorial" :

A very nasty editorial.

> "How long will the names of 'prophet', 'promised Messiah', 'Ahmad' and 'Muhammad' be dinned into our ears in this country in respect of an adulterer, drunkard, goonda, badmash, forger, liar and Dajjal, and how long will the pure and chaste mothers of the Ummat be allowed to turn in their graves, restless with shame, for a woman who is the disgrace of humanity ?" (The reference is apparently to Mirza Ghulam Ahmad and his wife).

Protest by Ahmadis to Central Government

On a resolution of protest by the Ahmadis of Montgomery, the Government of Pakistan made a reference to the Punjab Government on 21st November 1952. The passage in question was examined by the Prosecuting Inspector, who reported that it was actionable under sections 153-A and 295-A of the Penal Code and section 21 of the Public Safety Act. S. P. (B) reported on 22nd December that it was the daily routine of the editor of the "Azad" to write defamatory articles against the Ahmadis. On the 26th December, two days after the decision of 24th December, the D. I. G. made a note that the article was clearly punishable under section 153-A and section 21 but that "the Central Government have given no guidance and this is exactly what we have been deploring so far", and that in view of the Centre's "apathy", the Provincial Government should not initiate any proceeding. Having recommended no action, he expressed disgust over the vehement abuse and insult so repeatedly piled on the founder and members of the Ahmadiyya community. "The article is of a piece with what is being done daily by Ahrar leaders and *mullas*. I will talk to Master Tajud Din".

D.I.G. recommends no action because of Centre's "apathy"

The Home Secretary agreed on the 29th December and the Chief Minister initialled the note on the 5th January 1953.

Home Secretary and Chief Minister do not disagree.

All sense of decency revolts at this decision. We had read this passage in the 'Azad' earlier, but the D. I. G.'s note was read out to us while Mr. Daultana was being examined as a witness. When we read this note, we had a feeling which had better be left unexpressed. We could not believe our eyes and ears. What happened in the space of two days to alter the decision that at least ordinary legal remedies should be applied to these nasty situations? Had the Central Government become apathetic between the 24th and the 26th of December? If Master Taj-ud-Din was a particularly decent fellow, and some reason had to be found for condoning his fault, it was unbecoming to look for that reason in the apathy of the Centre. The irony of the situation lies in the fact that it was the Centre itself which brought this articles to the notice of the province.

Bad taste in the mouth.

Mr. Daultana says in court: "The Home Secretary agreed and so did I. Had any further action been considered advisable by the officers, I would undoubtedly have agreed to it. The notes were based on the Pakistan Government letter which referred to the article in question for disposal. I have no recollection of having read the article or the note. My attention was directed to the fact that the D. I. G. wanted to take some action after meeting Master Taj-ud-Din and I was not required to give any particular decision. The question of taking action against objectionable writings and speeches had been previously decided upon and the policy was quite clear. No reference was made to me to clarify any ambiguity in the order or to take specific instructions about a particular case".

Mr. Daultana's explanation.

Policy was quite clear, and officers could have acted.

But he added on a question by us that "if a glaring case of inaction by the D. I. G. or the Home Secretary came to me in the form of a note which was merely for information, it would be right for me to take action." Not only right, it should be his duty to act. For in such a case, the policy laid down by him will not have been pursued. The policy was to take action under ordinary law, and the D. I. G. refuses to take action, merely to spite the Central Government.

But if it is a glaring case of inaction—

Further, we do not think the position which Mr. Daultana takes is correct as regards the files which were put up to him for information. They were not put up to him

Mr. Daultana's stand is not correct.

out of respect for being the Minister in charge. They were put up that he might be kept abreast of the situation and of the action which was being taken so that if he regards the action to be inadequate or excessive, he might amend or cancel it.

Other cases of inaction.

Similar inaction is noticeable in respect of speeches made on the 26th December 1952 and the two following days at a Khatm-i-Nubuwwat Conference at Chiniot. The following extracts may be profitably reproduced:—

Master Taj-ud-Din—Zafrullah was not loyal to Pakistan but to his Khalifa. Watch his activities and sack him. Because the *Ulama* had demanded release of Ahrar leaders, religious discussion had been banned in Government offices.

M. Muhammad Ali Jullundri — An Ahmadi officer had sent a truck load of ammunition from the Ordnance Factory at Attock to Rabwah. Zafrullah had agreed to the retention of Indian officers in Kashmir. He was a traitor. He got Gurdaspur annexed to India. Both the Mirzais and Ahrar were opposed to the creation of Pakistan, but for different reasons—the former for political reasons, the letter on the basis of Mirza Ghulam, Ahmad's *ilhams*.

S. Muzaffar Ali Shamsi—Mirza, Ghulam Ahmad was a *fasiq* and *fajir*. Ghaffar Khan has been imprisoned because he is a traitor to Pakistan, but Zafrullah who is a traitor to the Prophet is Foreign Minister.

S. Ata Ullah Bukhari—The Muslims can unseat the Central Government as they did the Khizr Ministry, if they do not remove Zafrullah Khan. If people and the Government did not take effective steps, the British will set up a Mirzai Government at Rabwah.

The speeches were reported to the Chief Minister, who saw the report on 7th January in the new year. But no remarks were made and no action was suggested.

THE PRESS

We have so far confined this part to the conferences held and the speeches made, with a necessary reference here and there to a newspaper article or a pamphlet. There is a definite allegation, however, that while on the one hand Mr. Daultana took no action after the agreement with the Ahrar in July 1952, on the other hand certain papers which were under the Government's influence were actively encouraged to fan the movement and to "canalise" it in the direction of Karachi.

Canalisation.

The decision of the Provincial League Council, which was held at Lahore on the 26th and 27th July 1953, to refer the demands to the Centre is cited as an eloquent instance of canalisation. On the face of it, Mr. Daultana persuaded the delegates, in the teeth of stiff opposition, not to insist on passing a resolution that the Ahmadis be declared a minority, but he did so, it is argued, in order to ward off suspicion, to direct the movement to the Centre, to embarrass the Central Government. For that reason he prepared the ground by making up with the Ahrar, withdrawing all bans virtually without condition, but if there was any condition, it was that the Ahrar would support Mr. Daultana in the next election, which might be precipitated by the ferocity of the Khatm-i-Nubuwwat movement, and that Mr. Daultana would then stand on the Khatm-i-Nubuwwat ticket. Whether that was agreed or not is a matter for the next election, but our present object is to examine the so-called "canalising" tendencies. We should add here that Kh. Nazim-ud-Din also felt aggrieved on that score. "Whoever pressed the Centre for a decision," he stated, "did so in order that the responsibility should shift to the Centre. * * In that case, if the Army and the Police shot anybody, the provincial leaders would say it was at the bidding of the Centre. If in the sequel the Central Government were overthrown, the Provincial Government would say to the people: 'We had supported you throughout'."

Four papers in the pay of Government.

The press generally receives vast patronage from the Directorate of Public Relations in the form of advertisements, but it will presently appear that four of the vernacular papers were more or less in the pay of Government for large sums received in advance as the price of newspaper copies to be supplied to certain institutions—schools, hospitals and Jails—in execution of on anti-illiteracy drive. The position as to the principal papers in Lahore was as follows: The 'Pakistan Times', the 'Imroze' and the 'Nawae Waqt' did not interest themselves in the movement, the 'C. & M. Gazette' belonged to a pro-Ahmadi concern, the 'Azad' was an Ahrar organ, the 'Alfzal' (with a limited circulation) an Ahmadi organ, and the 'Zamindar' notoriously pro-Ahrar. The 'Zamindar' and three other papers received altogether the following amounts from Government in the account we have already mentioned:—

		Rs.	
Afaq	..	1,00,000	(apart from Rs. 26,250 on account of advertisements).
Ehsan	..	73,000	
Zamindar	..	30,000	
Maghribi Pakistan	..	22,000	

Parts of these payments were made on the following dates in July, 1952.—

		Rs.	
To Zamindar	..	10,000	on 3rd July.
To Afaq	..	40,000	on 4th July.
To Ehsan	..	40,000	on 5th July.

Original scheme of patronage, 1950.

The scheme of patronising papers wag first adopted in December 1950 or January 1951 in a conference convened by Kh. Shahab-ud-Din as Minister for Information "to compensate papers which suffered in sale because of maintaining a sober and sympathetic attitude towards the Government," says Mir Nur Ahmad, who was Director of Public Information during Mr. Daultana's Government. It was contended by the counsel for the present Government, Ch. Fazal Ilahi, that Mir Nur Ahmad was the agent of Mr. Daultana's Government in using these four papers for the purpose of keeping the agitation alive and directing it to Karachi. Mir Nur Ahmad, however, maintains that until July 1952, the policy of Government was not to interfere with the right of newspapers to support or oppose a particular view, but that in the third or fourth week of July he was told by the Chief Minister to use his influence and advise the papers to give up writing on the subject.

D.P.R.'s plea.

It is not correct, however, that the Government as a whole, (in which term we include the Secretaries) became concerned about the press only in the second or third week of July. For on the 4th July 1952, the Home Secretary sent to the Chief Minister at Nathia Gali quite an anxious note (Annexure H-1 to his written statement) about the perversity of some of the editors. "I sent for the D.P.R. in the morning and told him to accelerate his machinery and flood the province with propaganda material. I impressed upon him that one or two press notes will not meet the situation * * * *. As desired by H. C. M., I spoke to Maulana Akhtar Ali Khan and the editors of his group on the 1st July and explained the whole situation to them and answered all the questions which they could think of for dispelling their apprehensions and misgivings. They went back completely satisfied, but I am sorry to say that with the exception of one paper they did not express approbation of Government's action even in a mild form. I again spoke to M. Akhtar Ali Khan yesterday as desired by H. C. M. on the telephone and after having been convinced once again about the *bona fides* of whatever we have done, he has virtually upheld in today's paper all that the Ahrar have been saying. The other papers of his group have done likewise. * * * Messrs. Hamid Nizami (of the Nawae Waqt) and Mazhar Ali Khan (of Pakistan Times) were also called by me yesterday. They both considered that what this Government had done was worthy of popular support. * * * * Mr. Nizami, however, said he feared that if he were to say so in his organ, the newspapers favoured by the Government and the Muslim League would be the first to denounce him as an Ahmadi for increasing their own circulation. * * * * Mr. Mazhar Ali Khan said that the root cause of the trouble was that Government had themselves made religion their source of slogans and strength. He added that if one group could exploit religion, how could the others be denied its use for furthering their own ends."

Home Secretary's complaint against press : 4th July 1952.

Government itself made use of religion: Mr. Mazhar Ali Khan of Pakistan Times.

In the Home Secretary's place, we would have expressed gratitude to both these gentlemen for giving us some home-truths.

Mr. Ghias-ud-Din said in his evidence that this note was signed by the Chief Minister and returned. On one occasion, he said, Mr. Anwar Ali, Mr. Qurban Ali and he himself waited on the Chief Minister and spoke to him on the subject. Thereafter, Mr. Qurban Ali sent for Mir Nur Ahmad and told him in strong terms that publicity must be organised on more effective lines. As a. result of this exhortation "one or two posters" were issued by the D.P.R.

I.G. pulls up D.P.R. for paucity of publicity.

Possibly that is why Mr. Ghias-ud-Din said in his note of 4th July that "one or two posters" will not do.

Propaganda stressed in decision of 5th July also.

In the decisions taken on the 5th July, 1952, it was expressly stated that "propaganda in newspapers should also be intensified and the papers which are generally pro-Government should be asked to co-operate in this matter also because their attitude is anything but favourable towards the Government in this matter."

D.P.R.'s false defence.

But Mir Nur Ahmad says: "In the conference of 5th July the officers told me nothing in particular"—one gets the impression that they told him hardly anything worth mentioning. But he adds, unostentatiously: "except that pro-Government papers were not helpful and I should try to get more help." This is like saying: "He did not cause any particularly serious injury, except that it was six inches deep." Again; "Their attitude was that the administration should do nothing which might be construed either in favour of or against the demands. This meant that I should not interfere." It was then that he was confronted with the relevant decisions of the 5th July. If the pro-Government papers were to be asked to co-operate "in this matter", if it was by the Home Secretary that their attitude was "anything but favourable", how could it mean that Mr. Nur Ahmad was not to interfere or do anything which should betray the mind of Government? But when confronted he said, "This related to the misunderstanding regarding the ban on the mosques."

Complaint to Dr. Qureshi at Lahore: July 1952.

Mir Nur Ahmad "parries".

That there was a general complaint against the pro-Government press and also about the Department of Islamiat is evident from the statement of Dr. Ishtiaq Husain Qureshi, Minister for Information. When he came to Lahore in the latter half of July, 1952, he was told by somebody whom he does not remember that the Directorate of Public Relations had been supplying newspapers with articles which were calculated to fan the agitation. He was morally convinced that the information was correct and frankly asked Mir Nur Ahmad whether it was true that the Department of Islamiat was Supplying articles to newspapers. "He tried to parry the question, but I pressed him. He said that efforts had been made to "canalise" the agitation into certain channels. I had in particular confronted him with the fact that the Afaq, which was for all practical purposes under the Directorate of Public Relations, had taken up the attitude that the Ahmadis should be declared a minority. His answer was that this had been done to canalise the agitation into certain channels. I said it was not 'canalising' but fanning the agitation." Thereafter Dr. Qureshi contacted Mr. Daultana who asked him to tea on the 19th July. He told Mr. Daultana that if the Provincial Government had decided upon a line of action which was a departure from the previous line of action in connection with publicity, it was only fair that the matter should have been discussed with him at Nathiagali (at the meeting of the Basic Principles Committee early in July). Mr. Daultana said this "canalising" had been done without his knowledge. He conceded that Dr. Qureshi should have been consulted.

Mr. Hamid Nizami accused D.P.R.

Dr. Qureshi had asked the local editors to an informal tea. At this function, Mr. Hamid Nizami alleged that Mir Nur Ahmad himself was responsible for carrying on this campaign in the papers. Dr. Qureshi said that Mir Nur Ahmad said nothing in reply to the allegation. Mr. Humid Nizami, appearing as a witness, stated that he had pointed his finger to Mir Nur Ahmad as "the arch-criminal". Dr. Qureshi does not remember the exact words used, but agrees to the statement in broad outline.

When he returned to Karachi, he told the Prime Minister that in his opinion the agitation was being fanned by the Directorate of Public Relations and that "it was very strange that a department of a Provincial Government should adopt a policy in such an important matter without explicit permission or orders from the Central Government. I should say that if Mr. Daultana did not know that the Directorate of Public Relations was fanning the agitation, it was very strange, because cuttings of newspapers on this important question must have been supplied to him and he must have known that papers which were almost directly under the control of Government, like the 'Afaq', were adopting the same line. Therefore, I really was surprised when Mr. Daultana told me that this line had been taken without his knowledge". Mr. Daultana told him he would look into the matter, but Dr. Qureshi heard nothing further.

D.P.R. contradicts Dr. Qureshi.

Mir Nur Ahmad denies that Mr. Hamid Nizami had accused him before Dr. Qureshi—"within my hearing"—as being the arch-criminal. Mir Nur Ahmad is careful in the use of words, and therefore qualifies his denial with reference to his power of hearing, leaving it open to us to accept Dr. Qureshi's statement without at the same time disbelieving Mir Nur Ahmad. According to him, the conversation which he had with Dr. Qureshi related to two complaints which had come to Dr. Qureshi's notice : (1) that though pro-Government papers had been publishing articles in support of the agitation, Mir Nur Ahmad had not exerted himself to stop them, and (2) that Maulvi Ibrahim Ali Chishti, Deputy Secretary of the Department of Islamiat had been contributing articles on the subject. As to the first subject, he explained that what the papers had been writing was "generally within those limits" which had been regarded as permissible in the past and that he had received no instructions to stop them. (He spoke to Dr. Qureshi on or about the 19th July, and on the 5th July the Home Secretary had complained to him that the papers were not co-operating.) As regards the second complaint he expressed ignorance and surprise. He denied having told Dr. Qureshi that he was "canalising" the movement. He does not even remember using that quaint expression.

Mr. Daultana's version.

Mr. Daultana's version of the matter is altogether different : Dr. Qureshi had suggested that personal influence should be exerted and had incidentally mentioned the fact that he had received complaints that Mir Nur Ahmad had either encouraged the writing of some articles or had himself written some under another name. Since his informant was Mr. Hamid Nizami, Mr. Daultana told him that Mr. Nizami and Mir Nur Ahmad were hostile to each other ; but that he would look into the matter. A few days later *he called Mir Nur Ahmad* who denied the allegation, and no further action seemed necessary.

Mir Nur Ahmad says it was he who had told the Chief Minister that Dr. Qureshi had complained to him, and that the Chief Minister had not told him that Dr. Qureshi had complained to him also.

Dr. Qureshi is not an interested party in this matter. We are satisfied that his statement has not been disproved, and that the evidence to the contrary is mutually contradictory. Dr. Qureshi could not have said one thing to Mr. Daultana and another to Mir Nur Ahmad, in respect of the same complaint.

Mr. Gurmani supports Dr. Qureshi.

Mr. Mushtaq Ahmad Gurmani has stated that some time during the summer of 1952, Dr. Qureshi had told members of the Cabinet that he had received complaints that the sectarian articles appearing in the Punjab press were being supplied through agencies which were either Government agencies or were patronised by Government, that the Chief Minister had denied knowledge and promised to make inquiries, and that he, namely Dr. Qureshi was not satisfied with Mir Nur Ahmad's explanation.

Kh. Nazim-ud-Din speaking to Mr. Daultana

Kh. Nazim-ud-Din discussed the subject with Mr. Daultana on or about the 4th August. Says Kh. Nazim-ud-Din: "I told him Dr. Qureshi thought that Mir Nur Ahmad had been supplying material to various papers in support of the movement. I pointed out that while the Pakistan Times, the lmroze, the Nawa-i-Waqt and the C. &. M. Gazette were silent, the Government-controlled papers, particularly the Zamindar, were fanning the agitation. He said that Urdu papers depended for circulation on a popular subject and it was difficult to stop them, but that his object was to control the vigilance of the campaign in the papers by advice. I told him the best way of tackling the situation was to prevent the papers from fanning the agitation and that he was the only person who could do so as these papers depended on him for patronage".

Mr. Daultana contradicts Kh. Nazim-ud-Din

As to this, Mr. Daultana has said that the statement of Kh. Nazim-ud-Din was "incorrect and quite illogical, because, after acting on Dr. Qureshi's suggestion that I should try and use personal influence to have the subject blacked out, I could not go to the Prime Minister and tell him that it was a good thing for the Punjab Government to contribute to the newspapers articles in favour of the agitation when we were persuading them not to write anything whatsoever on the subject". The argument assumes that Mr. Daultana acted on Dr. Qureshi's suggestion, but a better argument in defence of Mr. Daultana would be to say that after informing Dr. Qureshi that he knew nothing about Mir Nur Ahmad's activities, he would not tell Kh. Nazim-ud-Din that, after all, "canalising" was not without merit. Mr. Daultana does not inform is, however, what exactly he told Kh. Nazim-ud-Din, or whether the subject was at all mentioned. We have no doubt that it was mentioned, because Dr. Qureshi left Lahore with as firm a conviction about Mir Nur Ahmad as circumstantial evidence could ever produce—to say nothing of Mr. Hamid Nizami's straight accusation—and since he mentioned the subject not only to Kh. Nazim-ud-Din but also to the whole Cabinet by way of a complaint, Kh. Nazim-ud-Din would naturally discuss it with the general situation relating to the movement.

Contracts with papers renewed notwithstanding their attitude.

It has already been noticed that some of the payments to papers were made on the 3rd, 4th and 5th July, when the movement was in swing. No Government which felt worried about an agitation would continue patronising a press which, rather than co-operate, gave publicity to the contrary point of view. But Mir Nur Ahmad did so, and Mr. Daultana knew about it. We know how bitterly the Home Secretary complained against the "pro-Government papers" on the 4th July and how the decisions of the 5th July described their attitude as anything but favourable. When asked why he made these fresh payments when he knew that these papers were engaged in "objectionable activities", Mir Nur Ahmad replied: "I do not think they were engaged in objectionable activities". That is quite true, if these activities were approved by Government, or at least by Mir Nur Ahmad. He further says he made these allocations "on his own" and "submitted the case to the Chief Minister who approved the allocations". He is apparently referring to his note of 30th July 1952, which says that the payments were made "as already verbally submitted to H. C. M". There was obviously a previous verbal submission. When the note was shown to Mr. Daultana, he said : "This means that *after expending the money*, the fact was mentioned to me. He did not discuss the expenditure with me". Mr. Daultana's emphasis was on the words italicized. But as the note shows that payments were made on the 3rd, 4th and 5th of July, the following question was put to him : "The expenditure, therefore, must have been mentioned to you by the D. P. R. before you left for Nathiagali ?" The answer was that "disbursements were in continuation of a previous policy of 1950". This is hardly a useful answer, for the policy of 1950 was to subsidise pro-Government papers, which, by reason of their moderation, suffered in circulation. Mr. Daultana, therefore, explains that the first time that Government decided to use its influence in persuading these papers to blackout the controversy was in the third week of July, This answer was intended to meet the present situation, but in a different place Mr. Daultana included the month of August also in the policy of non-interference. "With the 'Zamindar' we were not successful.* * * * * The contract with the 'Zamindar' was not terminated because it was not the aim to establish control over the entire policy of a paper. In July and August neither we not the Centre had any policy as regards the demands". But this answer forgets that in the third week of July Dr. Qureshi had asked Mr. Daultana to persuade the press to blackout the agitation, while in the previous answer there is at least an admission that Government did decide to blackout the controversy at some stage. There should, consequently, be no doubt in the mind of Government what attitude to adopt towards the agitation after July.

Chief Minister approved his action.

Mr. Daultana says there was no policy till then : July-August 1952.

But there was a policy.

Further, one cannot agree that there was, at least according to the C.I.D. files, no policy to control the press in July. In the note of 4th July, Mr. Ghias-ud-Din informed Mr. Daultana at Nathiagali that in obedience to the latter's instructions on the telephone, he had sent for Maulana Akhtar Ali Khan and spoken to him. Either Mr. Daultana spoke with one voice to the Home Secretary and with another to the D. P. R., or he is forgetting that even in the beginning of July he was suggesting methods of control to the Home Secretary.

Mr. Daultana's contention that there was no policy in July and August furnishes, by implication, an affirmative answer to the question that the payments must have been discussed with him before he went to Nathiagali. But if there is any meaning in the words "after expending the money", then at least at that stage Mr. Daultana could have pointed out that the payments actually defeated the policy of 1950, and that he ought to have been consulted previously.

'Zamindar' continued with propaganda.

There is hardly any answer in this context which fails to invite criticism. The contract with the 'Zamindar' notwithstanding its rabid pursuit of the controversy, was not terminated "because it was not the aim to establish control over the entire policy of a paper". One might ask whether the aim was to establish control over that part of a paper's policy which did not affect the Government. Was it consistent with the policy of 1950 to patronise a paper which fanned the agitation ? It would be, if the policy of Government also is to fan the agitation.

Reason for it.

And received another sum in October.

Both Mr. Daultana and Mir Nur Ahmad maintain that, with the exception of the 'Zamindar', the other three papers seldom published any article in connection with the controversy after they had been advised to black it out. We have noticed in Part II how illusory this " blackout " was. The reason why the 'Zamindar' did not abstain, says Mir Nur Ahmad, was "I guess that M. Akhtar Ali Khan thought he was getting a great deal of popularity by associating with the movement". It was perhaps for that reason that it received another sum of Rs. 7,000 in October 1952. "The case of the 'Zamindar' was discussed with the Chief Minister on several occasions (and once also with the Joint Secretary, Ministry of Information and Broadcasting) and each time it was decided that the normal considerations which were being shown to friendly papers should not be withdrawn from it." Why they should not be withdrawn is exactly what we want to know. On the 2nd of March 1953 the paper was banned under the orders of the Central Government, but was continued in another name, 'Asar' with the word 'Zamindar' written prominently on the reverse. The 'Asar' was an old paper under the same proprietor, but its declaration had lapsed owing to non-publication for a certain period. It was stopped on that ground, but not on the ground that it was in effect a continuation of the 'Zamindar'. However, Mir Nur Ahmad forthwith recommended that 'Maghribi Pakistan', which had been acquired by Maulana Akhtar Ali Khan, should be allowed to continue publication in the same month. This was because M. Akhtar Ali Khan's son, Mansoor Ali Khan, had given an undertaking that he would follow a totally different policy. At a time when Martial Law regime was trying to purge Lahore of the crude chauvinism which the ‘Zamindar’ stood for, Mir Nur Ahmad was innocently administering a counteracting pill, and if the Central Government had not protested in time, he might well have succeeded. He denied that there was any protest from the Centre until he was confronted with a note relating to a telephone call from Karachi.

Certain objectionable articles appearing in various papers, principally the ‘Azad’ and the ‘Zamindar’ (pages 1588-89 of the paper book) were brought to Mir Nur Ahmad’s notice and he was asked whether he had proposed any action in respect of them. He replied that these were from time to time discussed with the Chief Minister, who each time said that action should be postponed till some decisions was taken on how the movement was to be dealt with as a whole. The main reason for postponing action against the Zamindar, according to him was that action would create more problems that it would solve.

D.P.R. tries to save Zamindar

On 18th February, 1953, a telegram came from the Centre, drawing attention to certain articles in the ‘Azad’ and the ‘Zamindar’, two in the ‘Zamindar’ and three in the ‘Azad’, all relating to February, and hoping that necessary measures would be taken to check the press from fanning the agitation. In relation to the ‘Zamindar’ Mir Nur Ahmad made the following note : “Zamindar is pretty bad on the Ahmadi question, but I think we should wait and see how the agitation develops’’. He now says he thought it would be suitable to deal with the ‘Zamindar’ as part of Government’s action against the movement as whole. “The reason for discrimination was that the ‘Zamindar’ presented a peculiar problem ; Akhtar Ali Khan was President of the Pakistan Newspaper Editor’s Conference and in the good books of the Centre”. When he was told that the Centre itself was proposing action on this occasion, he replied : (we reproduce only the substance of his evidence). “The Centre had two voices. The Ministry of Information, anxious to keep this paper on the right side of Government, advised only persuasive methods with the ‘Zamindar.’ The Ministry of Interior drew attention to objectionable passages and suggested action which they themselves could take. The question was discussed with the Chief Minister at intervals of about a month, but not this time. It is true that the Ministry of Interior sent a top-secret moat-immediate cypher telegram suggesting action, but I had to place my views before Government. I did not refer in my note to the other voice of the Centre—the Ministry of Information”.

The more we read Mir Nur Ahmad’s explanations, the more we get a feeling of sickness. But we should observe that he must have relied on strong backing somewhere if he could so flout the urgent requests of the Centre. But how could anything said by the Ministry of Information—assuming that something was actually said—be even distantly related to the following passage in his note : “Action in regard to the press will have to be part of a comprehensive policy dealing with the agitation if it takes the form of law-breaking?” Most of his expressions had no meaning for us, and therefore, we asked him whether he intended that action should be deferred until the law started being broken. He said that he merely meant that action would probably have to be stricter if lawlessness broke out. “By action I meant suitable action—that action would have to be suited to the

Fudge.

situation." We think "Fudge" would be the least harmful expression that ought to be used in reply to these explanations.

Zamindar was a favourite.

There is no doubt that the 'Zamindar' was a pampered paper. After all the admissions of favouritism, express and implied, made by Mir Nur Ahmad in relation to the 'Zamindar' he stated in reply to Mr. Daultana's counsel that Maulana Akhtar Ali Khan was on intimate terms with Kh. Nazim-ud-Din. But is there any other Maulana, including Qazi Ehsan Ahmad Shujabadi, with his wooden box of Ahmadi literature, who cannot claim that honour ? Kh. Nazim-ud-Din made himself available to all these gentlemen in the hope of furthering his negotiations, and if Maulana Akhtar Ali Khan took advantage of the situation and even asked for the Governor-General's Viking to take him from Bahawalpur to Karachi, it merely reflects on his own great qualities. After all his efforts to oblige both the Government and the people, Kh. Nazim-ud-Din has called him a fickle-minded person "who told me one thing in Karachi and did another in Lahore".

ADULT LITERACY FUND

D. P. R. used it as "Literate" Adult Fund.

Our surprises are not yet over. Of the money expended on the press, Rs. 2,03,000 were diverted from the Adult Literacy Fund, an account which, as the name shows, was intended by the Legislative Assembly to educate illiterate adults. Mir Nur Ahmad, however, was misled by the word "Literacy", and devoted it to the education of "literate" adults. For you cannot educate an illiterate person by placing the 'Zamindar' or the 'Afaq' in his hands. It is only a person already sufficiently literate who can avail of a newspaper. When Mir Nur Ahmad made the proposal, he asked Government to keep it "confidential". That was, he says, because it was "political" expenditure. We think a better reason was that if the matter became public, it would evoke criticism. He admits that he expected a certain amount of criticism. In fact, the Education Department had objected to the decision. But he says he was to implement a scheme adopted by Government, and it was the Government itself which decided to transfer money from another fund. Then comes a frank confession. "The object of our scheme was to give financial help to a certain type of papers, not to educate the illiterate".

It was not the object to educate the illiterate.

He made a note on 30th July 1952 in file Ex. D. E. 250 which shows that there was a previous discussion with the Chief Minister. The note itself went up to the Chief Secretary and the Chief Minister, to show that Mir Nur Ahmad was not acting "on his own". Mr. Daultana admitted that the Education Minister could himself cause the appropriation without reference to the Chief Minister. Then the file was shown to him, and he said: "If the file states that he discussed the case with me, he must have done so. This was because it was a matter of policy."

Papers may not have been sent at all.

And it is doubtful whether the literates were made further literate. The total number of copies of papers to which the Directorate subscribed was "far in excess of" the total number of institutions for which they were intended, admits the Director. One list showed that whereas the number of copies ordered was 350, the number of institutions for which they were required was 330, but sometimes copies of different papers (that, is to say, more than one copy) were supplied to the same institution. Further, the file does not show that the institutions were informed that they would receive a certain paper for a certain period. It was, therefore, left open to the papers themselves to send or not to send a copy.

The 'Afaq'.

One of these papers, the 'Afaq' virtually belonged to Government. This should have been evident from the fact that altogether Rs. 126,285 were paid to it. It was a weekly paper and became a daily in the middle of June 1951 as soon as a first payment of Rs. 42,000 was made to it. Mir Nur Ahmad said he had no personal connection with the paper, but his son Mir Iqbal Ahmad forthwith became Advertisements Manager thereof at Rs. 400 a month. "He has no special training in advertising, but he is a graduate. He was never before employed in any paper. He did export business in salt". Many days afterwards, Mr. Yaqub Ali Khan, counsel for Mr. Daultana, reminded him that Mir Iqbal Ahmad was employed before the Partition as Publicity Officer under the Government of India at Rs. 300 a month, and Mir Nur Ahmad explained that this qualification had not been mentioned by him previously been use he thought the question put to him related to any special training for the Job. However, Mir Nur Ahmad added that the Chief Minister was interested in the 'Afaq' "politically", and had once sent to him a cheque for Rs. 5,000 as a donation to the 'Afaq'. As to this, Mr. Daultana says some Muslim League workers had given him this amount specifically to be donated to the 'Afaq' in lieu of its services to the cause of the Muslim League. However that may be, the money went to Mr. Iqbal Ahmad's account, as a shareholder in the Afaq Ltd. In other words, Mir Iqbal Ahmad woke up one day to find himself holding shares of the nominal value of Rs. 5,000, without paying for them, but his father says it was not that money which came from Lyallpur or Mr. Daultana. "The governing director offered him the post of General-Manager, and, I *believe*" (with emphasis on 'believe') "asked him to accept these shares in view of the extended duties which he was going to bear". We must say Mir Nur Ahmad has a talent for explanation, and I only wish he had used it in publicity against the agitation.

A number of exhibits were then shown to him, and it appears from these that he was not only contributing to the 'Afaq' but also advising it and guiding its policy.

THE MAZDOOR

While on the subject of the press, it will be proper to mention two papers, not belonging to the subsidised class, which were treated with extreme indulgence notwithstanding that they gave publicity to grossly indecent literature. One of these is the Mazdoor, published by Abuzar, a son of Maulana Ataullah Shah Bukhari. Even when he applied for a declaration, it was reported that the paper's activities would be directed against the Ahmadis, and yet the declaration was granted against a security of Rs. 1,000. Who would not welcome another pugilist in the arena against the Ahmadis, and if it came to the forfeiture of security, a helpful note, full of sophistry and unintelligible argument, could always be improvised ? For on the 13th of June 1952, when the paper used the following words in respect of Mirza Ghulam Ahmad —

” حضرت خلیفه المسی الزانی ۔ یدها ۔ هاله تالا “

Mir Nur Ahmad recommended a mere warning. He admits that the action suggested was inadequate and betrayed lack of a sense of proportion, but pleaded that this was also the action suggested by the D. I. G.

THE AZAD

The other paper is the ‘Azad’ and enough has been said about it both in this part and elsewhere. It has published so much objectionable and obscene literature during the period under observation that we find it difficult to reproduce any samples. It has already been seen that some of these articles were brought to the notice of the province on three or four occasions by the Central Government. Each time the reply was that a warning had been given and at last the Ministry of Interior was compelled to say that since warnings have had no effect, the paper should be prosecuted. This was on 10th December 1952. The Punjab Government made no reply to this, but we have seen how it condoned towards the end of the month the very nasty article appearing in the paper of the 12th November 1952. In January 1953, even Mir Nur Ahmad was constrained to recommend suppression for six months, but the Chief Minister disagreed, and it was not until the Central Government had taken a Cabinet decision on 28th February that the paper was suppressed for a year.

DIRECT ACTION

Before closing this period, we should mention that on or about the 21st January, 1953, the *Ulama* delivered a challenge of “direct action” to the Prime Minister at Karachi, without making it clear what they intended doing. Kh. Nazim-ud-Din, however, does not seem to have had any doubt that it would lead to a disturbance of the peace. “Past experience had shown, especially in pre-Partition days that all civil disobedience movements were started with the announcement that they would be peaceful and non-violent but that every one of them ended in violence.” On 16th February, when he came to Lahore, and was asked by the Chief Minister and the Governor to do something about the demands, he told them that he was “not prepared to take up a head-on fight with the *Ulama*” who were unanimous on the demands, but not on the advisability of the ultimatum. According to Mr. Chundrigar, the Prime Minister also said he was negotiating with the *Ulama*, and since Khwaja Nazim-ud-Din did not appear particularly apprehensive, it must be assumed that ha was hopeful about the negotiations, hopeful because he thought some of the ulama were opposed to “direct action”.

How was it understood by C.I.D.

But the Punjab administration had no certainty in its mind. File No. 16(2) 102 shows that an intercepted letter on 1st February 1953 gave the C. I. D. an indication that the first step in direct action would be the social boycott of the Ahmadis, attended by “peaceful” picketing. On the 3rd February Mr. Anwar Ali wrote that the All Parties Convention set up at the instance of the Ahrar had been forced into a position where they must either resort to direct action or lose the following of their adherents. He added that although “direct action” had not so far been defined, at the initial phase, apparently, social and economic boycott of the Ahmadis may be sponsored. The Ahrar, he said, were conscious that for sustained effort the movement should be non violent, but they were not confident of success. "The public have lost interest in the Ahrar agitation as more important issues have come to the fore." They were trying to enlist volunteers and should be watched. On the 5th February the D. S. P. (P) reported, in obedience to the D. I. G.'s verbal order to make inquiries, that "even the leaders of the Convention do not know what precisely they would do except that they would embark upon a direct action campaign". It was believed, however, that the campaign would start from Karachi. All sources were emphatic that in the first phase a social boycott will be resorted to and that "peaceful" picketing of Ahmadi shops will follow.

Public has lost interest, says D.I.G.—3-2-53.

Karachi would be the venue.

On 16th February, as a result of the consequences of the Hartal which was observed in honour of the Prime Minister at Lahore, Mr. Anwar Ali appears to have altered his opinion. He said that events were moving briskly and "today in Lahore two incidents resulting in violence have taken place. The law-abiding public is becoming sceptical about the ability of Government to handle the situation." This is in marked contrast with the observation of the 3rd February that the public had lost interest in the agitation.

D.I.G. not so hopeful 16-2-53.

But we are not so sure, for it is evident from file No. 16 (2) 107, Vol. III that danger signals had appeared even earlier than the 16th February. On the 13th February, S. P. (B), quoting from a source report that a decision had been taken to observe *hartal*, recommended detention for Master Taj-ud-Din, Sahibzada Faizul Hasan, Sayyad Muzaffar Ali Shamsi and Qazi Ehsan Ahmad, as they keenly supported direct action. He mentioned a poster issued by Shamsi as Secretary of the Majlis-i-Amal announcing a meeting on the 15th February at Delhi Gate, appealing to all Muslims to come "with burial clothes on their heads". On the 14th February he again said there was intense propaganda and that people were asked to come "ready with their lives". On the 16th February, he reported that at the previous day's meeting it had been decided to start direct action by picketing Ahmadi business quarters and that 2,000 volunteers were to be sent to Karachi for that purpose. M. Akhtar Ali Khan, he said, had given an assurance that the Punjab Government was not likely to place restrictions on the movement of volunteers.

S.P. (B) recommends detention.

The D. I. G. noted that there was "no immediate danger". This is again in remarkable contrast with his note of the same date on the other file—that the law-abiding public is becoming sceptical of the ability of Government to handle the situation.

But D. I. G. says "no immediate danger"

It is possible that there was "no immediate danger" because the agitation was to start in a place comparatively "remote" from Lahore, and if Lahore was concerned only with the flow of volunteers and M. Akhtar Ali Khan had an understanding with the Punjab Government, then there was cause for local complacency. But what about the two incidents of violence, the intense propaganda to come "ready with lives", the requisitioning of burial clothes for quick

Why "No immediate danger".

burial? It is possible, again, that the words "immediate danger" were used in reply to S. P. (B)'s recommendation for the detention of certain firebrands.

D. I. G. mislead by Master Taj-ud-Din

In Court, Mr. Anwar Ali said that when he received intimation of the direct action challenge, he proposed that Government should immediately address the Centre and find out its attitude, because on that depended how the agitation would develop. "Master Taj-ud-Din, who is now present in Court, himself told me that direct action would not actually start. Our information was that they were merely forcing the hands of Government to get a favourable decision. As to whether the Ahrar had any plan of action, I think they are the most confused people I have ever seen. They said on the 3rd February 1953, that they wanted to make an absolutely non-violent and sustained effort but I did not believe them in view of their past conduct in giving assurances and then going back on them". His note of the 3rd February shows, however, that he did believe Master Taj-ud-Din and perhaps the astute leader also misled him into reporting that the public had lost interest in the agitation. We do not think the master acted confusedly, at least on this occasion. He quite naturally expected some manifestation of law and order activity from Government as a reaction to the challenge and was anxious to do something before he was thrown into jail. Mark the further confidences reposed by the Ahrar Leader in the C. I. D. Chief. "I have said in my written statement that the All Muslim Parties Convention had been forced into a position where they must either resort to direct action or lose their following. I got this information from Master Taj-ud-Din himself, now present in Court." This also is mentioned in his report of the 3rd February, which, consequently, appears to be based solely on Master Taj-ud-Din's information. Unless Master Taj-ud-Din was spying on his own organisation, we doubt the wisdom of his information being treated as "report-worthy" without specifying the source. Possibly Master Taj-ud-Din occasionally did some nominal injury to himself—by giving an impression that he was disclosing secrets—to secure a smooth career for his paper.

D.I.G.'s confession and admission.

Finally, Mr. Anwar Ali said : "I frankly confess it was not clear to me what "direct action" would mean, but it is true that before the Partition it meant civil disobedience and violation of law and order. It is also true that the Ahrar aimed at raising 20,000 volunteers, but my view was that they were merely browbeating the Government, and I did not prepare myself for arresting them". Here again, he relies on Master Taj-ud-Din, who told him that "they were merely forcing the hands of the Government to get a favourable decision". "The Government" apparently means the Central Government, because it was that Government which had to accept or reject the demands. We think what we have reproduced from the files in this behalf, read with the statement of Mr. Anwar Ali, constitutes sufficient material for holding that Master Taj-ud-Din succeeded in putting Mr. Anwar Ali off the track by assuring him that nothing was going to happen and that the intention was merely to elicit a concession from the Centre. If this had not been the case, knowing as he did by experience that direct action means civil disobedience, which invariably leads to violence, he would not have been of the opinion, on the 16th February, that there was "no immediate danger". But if the other voice with which he spoke on the same day—that the law-abiding public is becoming sceptical of Government's ability to handle the situation—is the true voice, then, while on the one hand he proposed that the Centre's attitude to the challenge should be ascertained, on the other he might well have accepted S. P. (B)'s advice that detention is the better part of valour in law-and-order warfare.

IV. THE FINAL PHASE

Chief Secretary's letter to Centre on 21-2-63 asking for "firm policy".

This phase opens with the Chief Secretary's letter of the 21st February, 1953 to Mr. G. Ahmad, Secretary for the Interior. After dwelling on the sins of the Ahrar during the recent past, it informs the Centre that direct action is supposed to start at Karachi on the 23rd February in the form of picketing of Ahmadi shops, and that volunteers will be sent from the Punjab and other provinces. On the 16th February, the Prime Minister was greeted with a *hartal* and black flags, and at a public meeting the same day, while the speakers were careful to emphasise that violence should not be resorted to, they were at pains to excite and inflame public feeling. The police were being reminded to remember the Day of Judgment when dealing with civil disobedience. Shopkeepers had been forced to close shops against their will and those who did not do so had their faces blackened. Two incidents resulting in violence had taken place. Law abiding citizens could not disapprove of demonstrations for fear of being labelled as Ahmadis. A depot holder in Lahore refused to sell wheat to an Ahmadi woman until she had given an undertaking to take part in an agitation against her own people.

But, concluded the letter, as the agitation was not confined to this province and the demands did not fall within the provincial sphere, the Government feel "very handicapped in dealing with the situation effectively" and think that it will considerably strengthen their hands if the Central Government could enunciate the firm policy that they want to adopt with reference to these demands. Whatever this policy may be * * * * * the Provincial Government feel that they are strong enough to implement that policy within the province".

But Centre's policy was known.

We have not reproduced all the instances of lawlessness mentioned in the letter, but what we have reproduced should suffice to indicate the gravity of the situation at least in February. It is evident that even at this stage the Government of the Punjab is not willing to control the law and order position effectively unless the Centre announce their policy in respect of the demands. But was it not clear enough that the policy of the Centre was to make no declaration one way or the other and to insist that aggressive sectarianism should be suppressed with a heavy hand ? Is there any instance of suppression available, to say nothing of suppression with a heavy hand, up to the 26th February? The Azad and the Zamindar had become shrill-throated with calumny and Mir Nur Ahmad waited till the agitation should take the form of law-breaking.

Karachi Conference 26-2-53

Mr. Chatha's version.

On receipt of the letter Kh. Nazim-ud-Din summoned a meeting of Governors and Chief Ministers for the 26th February, and both Mr. Chundrigar and Mr. Daultana excused themselves for different reasons. Whether the reasons were good or bad, Kh. Nazim-ud-Din was not convinced and spoke to Mr. Daultana on the telephone. It was then decided that the Punjab Government's views would be placed before the Central Cabinet by the Revenue Minister, Ch. Muhammad Hussain Chatha, who would be accompanied by Mr. Ghias-ud-Din Ahmad and Mr. Anwar Ali. We are not interested here in all the details of the conferences which took place on the 26th evening and during the small hours of the 27th, except to the following extent. In the evening conference, Mr. Chatha said the Punjab Government's view was that it could not yield to the movement and that whatever be the decision, it would be implemented by Punjab. It might be necessary to resort to shooting and firing, and this could be done only with the full backing of the Centre. Khan Abul Qayyum Khan "backed" the view of the Punjab and said that the movement should be crushed. Khawaja Shahab-ud-Din "supported" him and said that Government should not give way to mullas on a definitely wrong issue. Kh. Nazim-ud-Din did not agree to crushing the Mullas and offered to resign. No decision could be taken and the meeting was postponed to the following morning. At 1-15 a.m., however, everybody was roused from sleep and Kh. Nizam-ud-Din told them that he had received an ultimatum that his house would be picketed at 7 o'clock. He had also learnt that the Ulama were not all agreed, and for that reason mainly he had decided to accept the challenge and to order the arrest of the Council of Action before daybreak. He refused to make any declaration about the demands and said he would deal with the question on the purely law-and-order level.

Interpretation of Mr. Chatha's version.

Kh. Nazim-ud-Din.

Mr. Daultana.

This is the report of Mr. Chatha to his Government on return from Karachi, and forms Appendix No. 55 to Mr. Daultana's written statement. Khwaja Nazim-ud-Din agrees with most of it except that according to him Mr. Chatha was quite definite that the demands should be rejected. He adds that even Mr. Daultana had told him during the telephonic conversation of the 25th February that his Cabinet had decided that the demands should be rejected. Mr. Daultana insists, however, that Mr. Chatha's authority was confined to submitting, not that the demands were reactionary, but that the manner of presentation of the demands was reactionary. But if that was the view of the province, why did Mr. Chatha insist on a pronouncement as to the demands ? If this distinction between the merits of the demands and the manner of their presentation had not been sought to be drawn now, Mr. Chatha's memorandum would have led us to think that he objected to the demands themselves. For his view was that the Punjab Government could not yield to the "movement" and Khan Abdul Qayyum Khan, "backing" the view of the Punjab, said that the movement should be crushed. Khawaja Shahab-ud-Din "supported" him and said that Government should not give way to the Mullas. Consequently, the view of the Punjab, which was "backed" and "supported" by two other gentlemen, would be the view that Government should not give way to the Mullas, which means that the demands should be rejected.

Khan Sardar Bahadur Khan.

Khan Sardar Bahadur Khan says nothing about this conference, but speaking about the conference of the 8th, 9th and 10th August 1952, he ascribes to Mr. Daultana the view that the demands were unreasonable and should be rejected.

Sardar A. R. Nishtar

A distinction without difference.

Sardar Abdur Rab Nishtar says both Mr. Chatha and Khan Abdul Qayyum Khan strongly expressed the view that the "movement" should be put down. It depends on what the "movement" means. If it means the anti-Ahmadi movement, as it should, it consists of nothing but the three demands; but if it means the more recent development—the Direct Action—then it leaves the demands out. For the purpose of our enquiry, we do not see anything that Mr. Daultana gains by this insistence, and if there is a political advantage in making it clear to the people that Mr. Daultana still believes in the merits of the demands, or at least that he does not disbelieve in them, then we do not know.

Attitude of Centre to Demands. 27-2-53.

Therefore we proceed. Now although Kh. Nazim-ud-Din was reluctant to make a public declaration that he was rejecting the demands, he agreed, on the same day, to the issue of a secret telegram, to all provinces defining the attitude of the Central Government towards the demands. It said that neither could a section of the people be declared a non-Muslim minority against their wish nor could an Ahmadi official or the Foreign Minister be removed from their offices on the ground of religion. It added that the Central Government did not propose making an official declaration, but that Provincial Governments should organise intensive publicity on these lines immediately and give proper guidance to the press.

At the same time a communique was issued to the press, explaining the history of the Ahrar and making it clear that it was not the intention of Government to allow itself to be coerced by direct action and that law and order would be maintained with all the resources at its command.

Two things should be borne in mind at this stage. The first is that Mr. Chatha and the two officers accompanying him made it clear that they could deal with the situation in the Punjab; the second is that on the 27th February they knew the express attitude of the Centre towards the demands and that other officers and Ministers in the Punjab knew it a day later.

Decisions at Chief Minister's house on 28-2-1953.

When Mr. Chatha and his party returned to Lahore, a meeting was held at Mr. Daultana's house and certain decisions taken in the light of undertakings given at Karachi, (Annex. J. to Home Secretary's written statement). All active Ahrar were to be arrested under section 3 of the Public Safety Act in accordance with a list furnished to each District Magistrate, and the 'Zamindar', the 'Azad' and the 'Alfazl' were to be banned. A circular letter was issued by the Chief Secretary to all District Magistrates on 28th February, asking them to keep a vigilant eye on the situation but not to order "further arrests" unless local circumstances create an absolute necessity for such action and there is no time for previous consultation. There has been a good deal of argument over this restriction placed as regards further arrests, but Mr. Daultana claims that this was not what was decided at the meeting, and since it is not mentioned in the decisions of the 27th February, wa agree that Mr. Daultana cannot be asked to account for this part of the letter, which was issued by the Chief Secretary without being seen by Mr. Daultana. The issue of a letter can certainly be entrusted to a Chief Secretary and if it contain matter in excess of instructions, the responsibility is not that of the Minister.

Volunteers.

Next, there is some controversy about the stoppage of volunteers from proceeding to Karachi, but we do not attach much importance to it as any failure to take action on this score did not lead to any serious consequences. Mr. Anwar Ali says that it was decided at Karachi on the 27th February that the Provincial Government should stop volunteers from proceeding to Karachi and that on return to Lahore he recorded the various decisions and handed them over to the Home Secretary for issuing necessary directions to District Magistrates. This was apparently done, and it seems to have been left to District Magistrates to use persuasive methods or to arrest them. On the 2nd of March, however, he received instructions from the Chief Minister through the Private Secretary, Mr. Zakir Qureshi, that as the stopping of volunteers had caused excitement in these districts, arrests should be avoided and only persuasive methods used. He therefore telephoned to the D. I. G. at Multan, that if persuasive methods failed, volunteers were to be allowed to proceed to Karachi. In that case, they would be arrested by the Karachi and Sind administrations. Mr. Daultana says his instructions were misunderstood. What he meant was that arrests in big towns were not advisable and should be carried out at wayside stations between Lahore and Lodhran. On the 3rd March, when the Home Secretary told him these instructions had caused confusion, he made the position clear. It is true that Malik Habibulla, S. P. (C. I. D.'s) note, which conveys the instructions as Mr. Anwar Ali has described them, was signed by the Chief Minister on the 9th March, without any objection as to their accuracy, but Mr. Daultana says by that time it would have been infractuous to point out the mistake.

Mr. Daultana's revised instructions.

Mr. Anwar Ali stated that so far as he was aware, only two *jathas* left for Karachi. The first under Sahibzada Faiz-ul-Hasan had left before the instructions of the 28th February were issued; the second was stopped at Lodhran. Now although Kh. Nazim-ud-Din says the Karachi and Sind administrations were repeatedly complaining of the flow of volunteers from the Punjab, his evidence is based on hearsay and should not be used for any firm decision. This, however, must be said that for a time the instructions as to volunteers were relaxed at the instance of the Chief Minister.

Publicity was not given to the attitude of Centre on desired lines.

The telegram conveying the attitude of ‘the Centre towards the demands was not used by the Punjab Government in the manner desired by the Centre, and this failure was almost solely the result of Mir Nur Ahmad’s invisible effort. It will be recalled that Provincial Governments were requested (1) to organise Intensive publicity “on these lines” and (2) to give proper guidance to the press. The Home Secretary sent for prominent editors and spoke to them what attitude should be adopted towards the demands, without disclosing the source of his inspiration. He then sent a copy of the telegram to the Director of Public Relations “for necessary action”, with the following note: “I addressed also a body of press conference to which the editors of various local dailies had been invited and in consultation with the Chief Secretary. I spoke to them about the attitude of Government without of course revealing the source and made it clear to them that this talk was strictly off the record”.

D. P. R. did nothing.

Mir Nur Ahmad merely communicated the contents of the telegram unofficially to newspaper editors. But when he was asked whether, after reading the Home Secretary’s note, he did not feel that this was what the Home Secretary himself had done, and that the reason why the telegram had been forwarded to him for necessary action was with a view to organising “intensive publicity,” he replied: “I did nothing beyond communicating the views of the Centre to the editors of the newspapers”.

Nor did the Chief Secretary.

Nor were contents of the telegram communicated to District Magistrates to enable them to know what the much-longed for attitude of the Central Government was, but that, as Mr. Daultana rightly contends, was the business of the Chief Secretary.

Nor did Mr. Daultana.

Nor did Mr. Daultana himself make any effort to mobilise “the enormous influence, prestige and organisation of the Muslim League which was throughout the agitation immobilised and in confusion.” The words are Mr. Daultana’s own. The reason he gives for this omission is that there was no time for mobilising public opinion. He admitted that it was not expected on the 27th February that something very drastic was going to happen in the near future, “but it is quite possible that if we had called a meeting of the League Council, we might not have been able to influence and convince them”. We believe this is quite true and it was as true on the 27th February 1953 as on the same day a year earlier. It was, therefore, idle to contend that an earlier declaration by the Centre would have made all the difference to the peace of the province, so far as it lay with the efforts of the Muslim League. But Mr. Daultana gives another reason for inaction. “Further, every Muslim Leaguer was bound by party discipline to hold himself aloof from civil disobedience and it would have made no difference to him if he had been told in addition that the policy of Government was to reject the demands”. It is overlooked that this was merely a negative and individual duty: the positive duty would be to organise a collective effort to persuade others also to adopt the same view.

Events after 28th February.

The rest of the story leading to Martial Law is that although procession-staging started in Lahore right on the 28th February, 1953, when the "leaders" were arrested, prohibitory order under section 144, Cr. P. C., was not promulgated until after the events of the 2nd March and even then the "walled city" was left out. Earlier the same day, the Home Secretary requested the G. O. C. 10th Division, Lahore Cantonment (Major-General Muhammad Azam Khan) "for the aid of troops to help the District Magistrate of Lahore in the prevention and suppression of disorder. The troops came and struck camp in Bagh-i-Jinnah, and military patrols, accompanied by Magistrates, began patrolling the city. On the evening of 3rd March, the Inspector-General reported to the Chief Minister that "half the battle was won", but this proved to be an over-optimistic estimate, for on the following evening a Deputy Superintendent of Police was stabbed to death with numberless blows at the foot of Wazir Khan Mosque, an important institution within the walled city, where Maulana Abdus Sattar Niazi had entrenched himself a few days earlier and from where he preached violence and lawlessness, unmolested by authority. The civil officers, who generally waited for processions to meet them at the Charing Cross (apparently to prevent them from proceeding to the Government House) and who used to hold consultations in the evening at the Civil Lines Police Station, rushed this time to the Kotwali—which is a different place from the Wazir Khan Mosque and is outside the walled city. Almost daily, and sometimes more often, the civil and military officers met the Ministry and the Governor at the Government House, which was regarded as the safest place next to the Civil Lines Police Station. On the 5th March, following the murder of the police officer, there were held at the Government House three different meetings—in the forenoon, afternoon and evening—and some important decisions were taken in the first of these. It was decided that the police should use force more lavishly, and in certain circumstances might hand over a particular situation to the troops. The second meeting was a conference with prominent citizens, including Maulana Abul Ala Maudoodi, who insisted on a statement being issued that negotiations will be resumed with the *Ulama*. What exactly he said is again the subject of controversy, which, however, does not concern the present subject. The third meeting is understood by some officers to have resulted in an order to relax firing—the word used is "let-up". Almost every officer including the Chief Minister says that Mr. Chundrigar presided over this meeting also, as he did over the other two, but according to Mr. Chundrigar, if any such meeting did take place, it must have been in some part of the Government House where he was not present. This difference in evidence affects only the question whether it was Mr. Chundrigar or some one else who suggested a "let-up" in firing. It is supposed to have been acted upon and to have demoralised the police force.

Abdus Sattar Niazi at Wazir Khan mosque.

Three meetings at Government House, 5th Match

Meanwhile, in the city, people were burning public vehicles, post offices and shops; railway employees themselves prevented movement of engines from loco-shed to station, clerical staff, principally in the Secretariat and the Accountant-General's office (two very religious bodies) struck work and became insolent, a threat to cut off electricity from the Government House was brazenly communicated on the telephone, and, in the name of the Prophet of Islam, a few Ahmadis were also killed. Some said firing should cease; others said a statement should be issued.

Then somehow, notwithstanding the confusion in the Government House and the city, there dawned upon most of us the morning of the 6th of March, and every important person went to the Government House. We know that before midday Mr. Daultana issued the famous statement conceding the demands so far as he went and recommending to the Centre to act likewise. Within an hour, the Centre imposed Martial Law in Lahore, and law-abiding citizens breathed with relief.

The most important points which arise for discussion during this period are the following :—

I. Whether a prohibitory order should have been issued earlier than the evening of 2nd March;

II. Whether it should have been applied to the walled city also;

III. Whether the situation at Wazir Khan Mosque was properly handled;

IV. Whether any "let-up" in firing was decided upon, and if so, with what effect;

V. Whether there was proper liaison with the troops, and whether the troops showed any unwillingness to act;

VI. Whether Martial Law could be avoided.

I. Use of section 144, *Cr. P. C.*

We made it clear during the progress of the enquiry to most of the civil officers that in our opinion the very first thing that should have occurred to them after arresting the leaders was the imposition of a prohibitory order, but since they contended, expressly and impliedly, that the situation had no appearance of seriousness until the evening of the 2nd March, we proceed to give in brief the version of the Senior Superintendent of Police as to the incidents of the 28th February and the 1st March.

28*th February* 1953—A procession of five or six thousand persons formed outside Delhi Gate and marched to the Civil Secretariat, uttering anti-Government, anti-police and anti-Ahmadi slogans. They kept us engaged for half an hour or more and were dispersed with difficulty. The whole day small processions were coming and created a problem for the administration. Small bands of the Ahrar were joined by the riff-raff, forcing reluctant shopkeepers to close their shops. In one of the bigger processions, as the mobs surged towards the Charing Cross, shops on the Mall were closed, traffic came to a standstill and law-abiding citizens shut themselves up in houses and shops. This mob consisted mostly of the riff-raff and hooligans, though, as I have said in my written statement, they had a "high tone of religious sentiment", by which I meant that they were shouting the *kalma* and the *takbir*.

1*st March* 1954.

There were at least four processions, two of them being pretty big ones. The first big one was taken from outside Delhi Gate. Maulvi Ahmad Ali and thirty-two other men were arrested. The crowd was hostile and furious and had damaged one of the police vehicles with brickbats. In the second procession twenty-nine persons were arrested. In the third, twenty-three were arrested. Small processions were taken throughout the city. They melted away when police contingents arrived and reformed themselves when the police departed, thus keeping us on the run throughout the day. Lastly, a big procession was taken out in the afternoon from Delhi Gate, joined on its route by goondas, swelling to formidable numbers and giving itself the character of a mob intent to take the law into their own hands. Shops were again closed, business came to a standstill, traffic was paralysed and law-abiding people shivered with apprehension of their own safety.

Section 144, Cr. P. C. was promulgated on the 2nd March in circumstances which are thus stated in Home Secretary's telegram of 9th March to the Centre, giving the week's events.

2nd March.

"On March 2 the agitators took out processions which converged on Charing Gross. The main procession was led by Maulana Akhtar Ali Khan of Zamindar against whom a detention order under Public Safety Act had been issued earlier but who could not be apprehended as he was most of the time in Wazir Khan Mosque. The demonstrators were very rowdy and in a threatening mood. They broke police cordon many times and mild *lathi* charge was made to repel them. A large number of people offered themselves for arrest. When eventually mobs withdrew, it was reported that some of them threw small stones at Shezan Restaurant owned by an Ahmadi. No damage, however, was done. It was decided at this to promulgate an order under section 144, Cr. P. C. banning public processions in the affected parts of the city."

2nd March was not much worse than two preceding days.

The difference between the happenings of the 2nd March and those of two earlier days appears to be this, that on the former day there was more display of lawlessness at the Charing Cross, where the civil officers waited as a befitting terminus. Hitherto, apparently, the procession had dispersed at the terminus, but as Mr. Qurban Ali Khan said somewhere, one lawlessness breeds another, and on the strength of the respectability which they had attained by reason of two previous performances, they refused to recognize the incidents of a terminus. But we do not see why the situation as a whole should have been viewed with sang-froid on the two previous days merely because at a certain point the processions were not so rowdy, though throughout the rest of the day they had caused considerable anxiety to the administration.

District Magistrate's estimates.

The most sanguine of the officers concerned was the District Magistrate, Mr. Ejaz Husain Shah, and if we ourselves had not been in Lahore on the 6th of March, we might well have believed after reading his statement, that Martial Law had not been in fact imposed. He started with saying that he did not expect trouble after the arrests made on the 28th February, and as this appeared to us to be a very light estimate of the 28th February, we put to him the following questions. We reproduce both the questions and answers, because they themselves are the best explanation of their own pertinency.

> *Q.*—"You thought that after the arrests there would be no protests, no *hartals*, no public meetings, no processions and no rowdyism ?"
>
> *Ans.*—"Yes, I did."
>
> *Q.*—"Is it for this reason that you did not make an order under section 144 ?"
>
> *Ans.*—"The main reason was that I was not advised to impose it. It was first considered on the 2nd March. If I had made an order earlier, it would have restricted civil liberties."

This is not one answer, if you think of it. It means, firstly, if somebody had told him to impose it on the 28th February, he would have done so. It means, secondly, that no one thought of it until the 2nd March. It means, thirdly, that even if rowdyism is expected, the resultant lawlessness will be tolerated in the larger interest of civil liberties. We think the Code of Criminal Procedure should define the vague line between liberty and licence.

> *Q.*—"If Government decide to arrest the sponsors of a movement don't you see any ground for stopping demonstrations in favour of that movement ?"
>
> *Ans.*—"It all depends upon the circumstances. If very popular leaders are arrested, there may be reaction warranting action, but if non-entities are arrested, there may be no reaction at all."

The persons arrested, according to him, were non-entities; "The impression was that whatever was to be done, would be done in Karachi." We think that shows the cat's face some little way out of the bag. The Punjab administration was hopeful that the flow of volunteers would be to Karachi and, as the sword-arm, formerly of India, now of Pakistan, the Punjab will supply recruits, Mr. Ejaz Husain admits, however, that on 28th February at least he came to know that Lahore also would become the centre of trouble, though at the same time he knew that the agitators would not have any following worth the name, because the first meeting held on the 28th was attended by very few persons. This would not appear to be consistent with the estimate of the Senior Superintendent of Police.

Situation was ugly even before 28th February.

But even as regards the period preceding 28th February, Mr. Ejaz Husain's memory had to be refreshed from his own fortnightly reports before he admitted that "fiery speeches calculated to excite the fanatic section of the audience" were made during the first half of February, when he counselled Government that "in the event of the slightest appearance of an ugly situation, strong counteracting measures to preserve peace and order" will have to be taken. These pious platitudes are generally expressed in confidential diaries to impress upon Government how jealously the situation is being guarded, but Mr. Ejaz Husain now agrees that this was the correct position. Consequently, it will be assumed that what happened! on the

28th February and the 1st March had not "the slightest appearance of an ugly situation." It must be a big situation to be ugly enough. There must be a non-non-entity like Akhtar Ali Khan as the presiding genius of the situation before it becomes ugly enough for a prohibitory order.

District Magistrate (continued).

To carry his point, he said there was only one procession on the 28th February and one on the 1st March. There must have been three or four hundred men in each. Then he was confronted with his confidential report for the second half of February, according to which the number of men was six thousand. "But this is merely an oral estimate of all persons collected at that place." As though the present were a written estimate. And, after all, what is a procession, but a number of "all persons collected" at a place ? Consequently it would have been better to say that his present estimate must be wrong due to lapse of time. Then as to the number of processions, when confronted with his written statement, he admitted that there may have been between five and eight on the 1st March "but there was one main procession. * * * * * The fact that thirty persons were arrested is no indication of an ugly situation."

But we do think this constant criticism of evidence, this halt at every line to test its veracity, itself creates an ugly situation. We are not used to such, obstruction. We are not amused by it.

Duty of a District Magistrate to know meaning of preventive action.

Mr. Mazhar Ali Azhar, counsel for the Ahrar, believing that a procession, if stopped before it has time to get multiplied with numbers, does not lead to any appreciable lawlessness, questioned the District Magistrate as to why the procession which was born out of the Akbari Gate meeting was allowed to go to the mosque. The answer was that there was no point in arresting innocent persons before they contravened the law. We think there is such a thing as a preventive measure before the law is actually contravened, and that is more important for a District Magistrate to remember, but any obsession as to "civil liberties" and the previous "innocence of an intending law-breaker will seriously obstruct his important duties. Asked why thirty persons had been arrested later from the procession, he replied that they had obstructed traffic and were determined to commit a breach of the peace. He had not said so in his written statement because he did not consider it "worthwhile" to mention that they were arrested because they were determined to commit a breach of the peace. In respect of the incidents of the 2nd March, however, he did consider it "worthwhile" to say in his written statement that the processionists were "inclined to violence."

But if the procession of the 1st March was determined to commit a breach of the peace, then in character it was not different from the procession of the 2nd March, and there is consequently reason to think that circumstances existed for the imposition of section 144 earlier.

D.I.Gs. explanation

Mr. Anwar Ali says it was the opinion of the officers that if the processions were allowed to be taken out, although it was not unlikely that they would lead to violence, a contingency would not arise for sometime at any rate to use section 144. This view is in some degree on a par with that of Mir Nur Ahmad that action against a newspaper should be delayed until its conduct results in law-breaking. This, in our opinion, is not a sound idea of what is called "preventive" action. Asked why he did not ban processions, Mr. Anwar Ali resorted to a technical answer that this is the function of the District Magistrate, adding, however, that processions in Lahore were taken out quite frequently without causing serious thought. He was further asked whether it would not have made a difference if processions had been prohibited from the very outset, and he replied : "It is difficult to guess the situation that would have arisen. The movement was not under proper leadership. It was in the hands of irresponsible persons and therefore it is not safe to predict what course the movement might have taken." We should have thought there was stronger reason for nervousness if even the leaders were irresponsible persons.

S. S. P.'s view.

Mirza Naeem-ud-Din, the Senior Superintendent of Police, when confronted with the written statements of Mr. Anwar Ali and Mr. Ejaz Husain that the processions of the 1st March were peaceful, remarked that this opinion could not be correct because at least one of these processions broke a police truck.

But he was of the opinion that it would have made no difference if section 144 had been promulgated earlier, because even when it was promulgated, it was disobeyed. When we put it to him whether it is not the correct position that when action is delayed, people begin to think that the right to take action is lost by laches, he replied that, looking at the matter in this perspective he did think now that if the prohibitory order had been passed on the 28th February, people would have believed the Government to be serious about its business.

Action, delayed is action impaired.

We are convinced that there is some force in what we suggested to Mirza Naeem-ud-Din. We are not relying merely on what is called mob-psychology. This is a very common process of the human mind. Action delayed is action impaired. Then it also happens that, in cases of the kind with which we are dealing, by the time you decide to take action, the other party has worked itself into such a frame of mind as to make it oblivious of the consequences. Lastly—and the report on the Multan firing also tried to impress this obvious fact—if the authorities are of the opinion that an order under section 144, Cr. P. C. is necessary, and promulgate such an order, "then failure to meet its disobedience is no evidence of a sound administration and is bound to lead, sooner or later, to disastrous consequences, such as were in evidence on the morning of the 19th of July."

Section 144—whose duty ?

If an order under section 144, Cr. P. C. was necessary, whose duty was it to pass such an order? In other districts, clearly, it is the duty of the District Magistrate, and that is plain law. He would normally be guided by the advice of the Superintendent of Police. But in Lahore, there are also the Inspector-General of Police, who is responsible for internal security, the Home Secretary, the Chief Secretary, the Minister in charge of Law and Order, whose presence might almost make of the District Magistrate an obedient automaton who brings in his pocket a cut-and-dried order when he attends a conference, to be taken out and signed if necessary, to be retained in the pocket if not necessary. For the District Magistrate says: “When I went to the Officers’ meeting on the 1st March, I took a mere draft order under section 144, not because I thought it was necessary to impose it but because I thought occasion might arise for it”. In order words, he himself did not think there was any occasion for it, but if somebody said it should be promulgated, he would do so. “Section 144, was mentioned, but I cannot say who mentioned it. One thing I had clear in my mind, that under the Lahore Emergency Disturbances Scheme I should have been approached by the police for the imposition of section 144. On the 2nd March, the police did not approach me, but I did it entirely on my own initiative. I put it in the meeting and they all said ‘yes’”.

Misleading statements by District Magistrate.

But that is not correct, and you will agree with us if you read the record of a meeting held at the Chief Minister’s house at 8 p.m. on the 2nd of March (Ex. D. E. 305), where the District Magistrate was also present. “The I. G. and the Home Secretary, who had witnessed the incidents at the Charing Cross gave a resume of the situation. The I. G. suggested imposition of section 144, in Lahore minus the walled city. This view was supported by every one and it was decided to promulgate the order”.

That is why we said in the introductory portion of this Part that the District Magistrate takes upon himself greater responsibility than the situation warrants. This should elicit admiration from us if only we could be certain that responsibility is not being assumed nominally, that it is not being assumed merely to avoid a greater responsibility—the failure to pass an order on the 28th February or the 1st of March. If he took a draft order with him on the 1st March, he either felt that there was occasion for it or went ready merely to act as an obedient automaton. In either case he has not discharged his responsibility. If he had said frankly, as Mirza Naeem-ud-Din did, that in a place like Lahore and in a situation like this, he would not pass an order under section 144, if the Inspector-General or the Home-Secretary disapproved of it, even if he thought it was necessary, we would have been prepared to accept his explanation as reasonable. But in order to justify the failure on the 28th February and the 1st March he had to take an untenable position, which had consequently to be shifted as occasion arose.

Mr. Daultana’s view of D. M.’s duty.

Mr. Daultana takes no responsibility for the order of the 2nd March or for the omission to pass it earlier. “I do not agree that because the District Magistrate and the Senior Superintendent of Police were immediately placed under other superior officers, they could not take independent action. I do not see why their duties should be different from those of other District Magistrates and Superintendents of Police. * * * * * if they have any doubts, the advice of senior officers would be available. I was not consulted when section 144 was promulgated."

Mr. Daultana is forgetting the meeting at his house, over which he himself presided. His attitude towards responsibility in this behalf is the vary opposite of the District Magistrate. He cannot say he was not abreast of the situation, as that would betray extreme apathy. But if he was abreast of the situation, then let us suppose that it is a desperate situation and Mr. Daultana's officers are oblivious of its character, would he regard it as unjustified interference with their duties if he pulled them up to action? But we agree that the position taken by him in respect of the duties of the two principal officers is correct. The District Magistrate can act independently. In Lahore, he should particularly consult the Inspector-General, and if any superior officer disagrees with him, he would be wise to record a note to that effect and send a copy thereof to the disagreeing officer. But he should not merely attend conferences. If he has one leg in the Government House, he should have the other in Wazir Khan Mosque—and we would prefer it to be the right leg.

Duty of District Magistrate.

In another context, Mr. Ghias-ud-Din Ahmad made the following observations. "I do not think anyone impeded the decisions of either the District authorities or the Inspector-General. I personally felt that in a place like Lahore the local authorities must be advised, helped and guided by senior officers like the Inspector-General, because it is actually his duty, in addition to the local authorities, to maintain law and order and look after the internal defence of the province". That was in answer to the question whether it was not true that the case of Lahore suffered because there were too many persons here to be consulted.

Home Secretary's view.

II. *The Walled City.*

III. *Wazir Khan Mosque.*

These two subjects are connected.

We have already quoted a passage from the Provincial Government's "sitrep" dated the 9th March to the Central Government, describing events from the 2nd of March to the declaration of Martial Law. In that passage we particularly recall the statement that Maulana Akhtar Ali Khan, who was leading the procession of the 2nd March, could not be arrested earlier under the detention order issued against him, "as he was most of the time in Wazir Khan Mosque". The date of issue of the order would appear from Mr. Daultana's statement to be the 1st of March, and if he could not be arrested by reason of the fact that he was in Wazir Khan Mosque, it means that even on the 1st March Wazir Khan Mosque was beyond the pale of law and order. This is a plain fact which has impressed us right from the start, but which is obstinately denied by some officers because its admission cannot but land them in difficulties. The first difficulty is

Wazir Khan Mosque was beyond law and order.

that if Wazir Khan Mosque was such a dangerous spot, why was the prohibitory order not applied to it? The second difficulty is that if the police could not control the situation there, why was it not handed over to the military, particularly on the 5th March, when decision to that effect were taken at the Government House? The third difficulty is that an admission in this behalf would explain the fact that after the murder of the Deputy Superintendent of Police on the evening of 4th March, everybody rushed, not to the scene of occurrence—Wazir Khan Mosque—but to the Kotwali, and they do not wish to admit that the refractoriness of the situation was any reason for that remarkable conduct. The fourth difficulty is Maulana Abdus Satar Niazi—not a difficulty merely, but a razor edge—who had shifted his lodgings from his residential house to the Mosque and was sending out peals of religious thunder that reverberated up to the Government House.

I.G. advised exclusion of walled city.

The responsibility for excluding the walled city is principally that of the Inspector-General, though here again, the District Magistrate has insisted on transferring it to himself. Mr. Anwar Ali says: "It is an accepted principle that no order should be issued which is not capable of proper enforcement. In 1934, during the Shahidgunj agitation, when I was an Assistant Superintendent of Police, the police were brickbatted and completely isolated in the walled city. Thereafter, the Inspector-General, issued orders that we should never attempt to stop any procession or deal with it inside the walled city. In such a contingency, the military will face the same difficulties".

"*Q*.—Does it mean that both the military and the police would be helpless in this situation?"

"*Ans*.—If such an order is essential, it should be enforced in a part or parts of the city, because in that case the difficulties in its enforcement would be comparatively less".

How did the troops control the city within six hours ?

At this stage a question naturally arose as to why it was possible for the military to control the whole city within six hours of the Martial Law, and in fact, this should have been anticipated. The answer was that the military had more man-power and greater fire-power, and, above all, they were not answerable for their action as the police is. This, again, gives rise to the question why a particular situation was not handed over to the military, or a particular duty, say that of arresting those who violated the curfew order, not assigned to it. Mr. Anwar Ali says: "If the military had come in full force to the aid of civil power, the situation would have been controlled. The reason why it was not requisitioned was (1) the Government were anxious to avoid requisitioning it and (2) there was a feeling that the army would co-operate only if complete control were handed over. It was felt that if control were handed over, there would be more bloodshed". These are not two different reasons, because the anxiety of Government would be based on an apprehension of bloodshed. This is true enough, because even on the 6th of March, when the situation was by all accounts desperate, Mr. Daultana preferred a confession of defeat to military "occupation", for that is how the civil authority appears to have looked at the matter.

Government anxious to avoid using troops.

Chief Secretary had no view.

Hafiz Abdul Majid, the Chief Secretary, viewed the matter as an outsider. Asked why the walled city was excluded from the prohibitory order, he replied: "It was to be imposed by the District Magistrate and he should be asked this question, * * * * * I myself did not raise any objection to the exclusion of the walled city".

Home Secretary on walled city.

Mr. Ghias-ud-Din Ahmad was of the following view: "The District Magistrate and the Inspector-General, could have taken independent action, irrespective of other officers and Ministers. Wazir Khan Mosque, it is true, was the centre of all trouble at that time, but it was felt that it would not be possible for the police to take action there". (Asked about the military) "I do not know whether the military were specifically consulted on this point or asked to go inside the walled city, but it was the opinion of the Inspector-General that even during the pre-Partition days operations inside the city were not feasible owing to narrow streets and congested buildings. * * * * * It is true that the military operated in the walled city after Martial Law, but they threw in nearly four brigades and even then they had to wait for sometime. * * * * It is true that troops were available even before Martial Law. * * * * * * I did not notice any reluctance on the part of the civil authorities to hand over this particular situation to the army, but this question can be answered more appropriately by the District Magistrate and the Inspector-General."

District Magistrate's reason for excluding walled city.

The District Magistrate said that he had excluded the walled city from the order of 2nd March "because there was no likelihood of disturbance there. There was not the remotest chance of that". At least, after the murder of Sayyed Firdaus Shah (D. S. P.), a superlative should have been used with restraint. When reminded of that, he said that on the evening of the 4th March he did feel necessary to "include" the walled city and that he passed a curfew order accordingly. Then, when we saw the curfew order, and found that it excluded the area surrounded by the Circular Road, we asked him if the curfew order included the city. He replied, ignoring his previous answer: "I was not advised to impose curfew within the city walls". Consequently, the entire statement about the remoteness or otherwise of the chance of disturbance collapses. Next he said that the reason why he had excluded the walled city was not that it could not be enforced, but because he was not moved by the police. When, however, he was confronted with the statement of the Senior Superintendent of Police that the walled city was excluded because the Inspector-General thought it might not be possible to enforce the order in that area, he said that was the correct position. Consequently, whatever be the correct position, we cannot rely for it on the District Magistrate.

The version is unreliable.

Why he did not ask for military aid.

Then he was questioned as to why, if that was the correct position, he did not ask for military aid. He said the military had already been requisitioned ! But we all know that the troops stood by. What we wanted to know was why this wholesome remedy that was available, was not applied to the disease. Why were quack remedies resorted to? For It is worse than quack remedy to send troops to the Kotwali when Wazir Khan Mosque is the danger spot.

He was then asked whether, as head of the police, he had commanded the police to clear Wazir Khan Mosque, and he replied: “My duty was to pass orders and the ground work was to be done by the police”. This made us hopeful and we asked him whether he had passed any order. But his reply was that “there was no need to pass an order as we were all clear that the mosque should be cleared and the police were alive to it”.

In another place, he said in connection with the mosque: “We all knew that it was a big menace, and the police were fully alive to their duty and did not require any formal order from me. In fact, the curfew had already been imposed.” And yet the curfew did not include the city! Asked whether he thought the police were failing in their duty in this field, he said he would not say that, for “they must have been considering to discover the best method of how to clear the mosque. * * * * * * The matter was being considered after Niazi’s fiery speech on the 2nd or 3rd March, and more thought was given to it after the murder of the D. S. P.”

Q.— “Did this serious thought lead to anything tangible ?”

Ans.—“The police must have taken some action. * * * * No particular order was needed from me as we all were alive to the danger. * * * * * It is true that I am head of the police, but effort must have been made by the police to tackle the situation and I made an effort in a way.”

He sent some ladies and gentlemen to the mosque on the 6th March. Ch. Nazir Ahmad Khan, counsel for the Jama’at-i-Islami, thought the emphasis was on ladies, and read a quatrain in parody, from which we reproduce the following.

زنے از غیب بروں آید و کارے بکند

But the emphasis was so much on the police that we asked him whether it would have made any difference to the police if Lahore had been without a District Magistrate. He said it would have, “because there would have been nobody to direct their action and supervise their activities.”

Q.—“Did you direct their action?”

A.—“No, because there must have been some difficulty in their way” .

Q.—“Did you try to find out that difficulty?”

A.—“I had not to look after Lahore only. * * * ”

Why the District Magistrate prevaricated.

Among other things he was getting frantic telephone calls from the parents of Matriculation examinees, and he had naturally to leave Wazir Khan Mosque to the police. But we only wish he admitted that he left it to the police. He was “supervising” the mosque and the police from at least three miles, but both the mosque and the police knew that it was a desperate situation and they both knew their jobs. He thought he was passing orders constantly, but he did not pass them in fact because the police knew their job and they were all alive to the danger. And we were made to put up with this nonsense—there are pages full of it which we have no leisure to reproduce—because he was not willing to say that his duty and that of everyone else lay, not in the Kotwali, not in Government House, but in Wazir Khan Mosque; that the curfew order should have covered at least Wazir Khan Mosque; that if the situation was beyond control, it should have been handed over to the military.

Niazi's Arrest

District Magistrate says he proposed it, but others were opposed to arrest from mosque.

It came to the District Magistrate's notice "probably on 1st March" that Maulana Abdus Sattar Niazi was staying in Wazir Khan Mosque, "but none of his speeches was such as to justify arrest. * * * * *. I knew that it was a hotbed of agitators. * * * * *. After I promulgated section 144, it was for the police to go." We think he believed at the time that he was including the walled city in the order, so often does he base an argument on that assumption. "It was reported on the 2nd March that Niazi was constantly criticising Government and rousing the feelings of the people. I think it was on the 3rd March. I was then thinking of arresting him but in the meantime a conference took place, in which I strongly suggested his arrest, but the consensus of opinion was against arrest from inside the mosque." Now compare this with his written statement, where he says, with reference to the incidents of the 3rd of March, that he had suggested Niazi's arrest because Niazi had been instigating the public for three days past. Going three days back, it means that Niazi had not only been in the mosque since at least 28th February; he had also been agitating the public since then. When confronted with this, he replied that the narrative in the written statement was based on "vague information which I got from the Senior Superintendent of Police." This, we think, is eminently a situation in which a witness, particularly a District Magistrate, should not be allowed to run away from his previous statement. There is no guarantee that the present information is not more vague than the previous one. In fact, even the statement that the District Magistrate's suggestion as to Niazi's immediate arrest from the mosque was opposed by other officers is contradicted by the record of the meeting of the 4th March, Ex. D. E. 316. That record contains a decision that "preventive action should immediately be taken against Niazi and orders for his arrest under section 3, Public Safety Act, should be issued by the Home Secretary." Even after reading that decision and the word "immediately", the District Magistrate insisted that the proposal which was turned down was not the mere arrest, but (1) immediate arrest and (2) arrest from the mosque. In other words, the other officers decided that arrest should not be effected so long as Niazi was in the mosque. He admitted, however, that one could not say when Niazi would leave the mosque and that the decision would not be effective if this interpretation is placed on it. "And that exactly was my grouse," says the District Magistrate. But apart from the fact that the language of the decision contradicts him, the Home Secretary has denied that any proposal of the District Magistrate to arrest Niazi was turned, down. The decision was to take preventive action—that is to say, to prevent Niazi from making further speeches—and that could not be done without arresting him

But the record contradicts him.

immediately. The Home Secretary says the warrant was issued the same day. The District Magistrate on being confronted with the Home Secretary's statement that the order could not be served on Niazi as, according to the C. I. D. report, the mosque swarmed with agitated masses, replied that this did not mean that it was intended to arrest him from inside the mosque, "and it fits in with my version that my proposal to arrest him from the mosque was turned down." The least we can say is that it is impossible to make any progress with such evidence. It is an extremely futile attempt to prove that although Maulana Niazi could be arrested from the mosque, no attempt was made to arrest him. We are clearly of the opinion that conditions in Wazir Khan Mosque were crying for action from the 28th February onward and that it was not an isolated spot but the very nerve-centre of activity. As to whether the Inspector-General's apprehensions relating to the impracticability of blanketing the walled city with a curfew order are well-founded or not, his own answers to our questions leave room for considerable optimism, and perhaps we would not have been so confident in our questions were we not relying on a fact accomplished by the army itself without the least ostentation. General Azam complained that in the general role assigned to the Army "we were kept outside the walled city. The storm-centre, however, was the walled area. We could have easily patrolled it. Half-hearted measures and poor leadership resulted in chaos." Again "in the morning conference at the Government House I suggested that since the D. S. P. had been murdered in the walled city area and that was the most disturbed, area, we should take strong action there." Asked what he would do if the walled city were in revolt he replied : "I would clear that area as I did by six o'clock on the evening of 6th March. Of course it was not advisable to open the steel gate of Wazir Khan Mosque where people had locked themselves in. I stopped their electric supply, cut off their loudspeakers and their water supply and did not allow anybody to go in. This is exactly what I suggested in the conference at the house of the Chief Minister on the morning of the 5th March. The I. G. P., however, had then objected that many years ago, when the British had taken action within the walled city they had suffered. I did not suggest that the city should be handed over to the Army, but that I should be allowed to clear the affected areas if the police could not do this. I used only one battalion on the 6th March to clear the walled city."

I. G.'s apprehensions as to walled city not well founded

General Azam demanded action in walled area.

To control the turbulent mosque which had made itself a bugbear to Government by the simple expedient of cutting off its essential supplies is not a mere vision, for we have seen it done. We might have thought of it as some special military feat unknown to the civil administration, a guarded secret, if General Azam had not told us that he had made these suggestions at the conference also. With the exception of Mr. Chundrigar and Mr. Anwar Ali all the witnesses, belonging to the civil administration had the opportunity of reading General Azam's evidence in the papers before they themselves were examined, and they have not contradicted him. Reluctance to hand over to the Army out of fear of bloodshed might be understandable if not exactly excusable, but what is the excuse for not adopting even the peaceable methods suggested and later employed by General Azam?

Wazir Khan Mosque was neglected.

After we had read the written statements in Murree, we felt convinced that Wazir Khan Mosque had been neglected. But what surprised us then was that when the news of Sayyed Firdaus Shah's murder in front of the mosque came, everybody rushed to the Kotwali. In the first statement that we read, we thought "Kotwali" was a clerical mistake for Wazir Khan Mosque but when we read the next statement and found the Kotwali again mentioned as the centre of attraction we thought it must be a part of Wazir Khan Mosque. And now we know that the reason why they all rushed to the Kotwali was that it was next best to Wazir Khan Mosque, and one must do something to convince one's own mind, often to deceive it. Mr. Anwar Ali said it was not safe to go to the mosque thereafter without taking precautions. We do not mean that they should have exposed themselves to the same risk which had cost Sayyed Firdaus Shah his life but surely there was justification at that stage to hand over that particular situation to the Army.

IV. *The "Let-Up" decision*.

With the exception of Mr. Chundrigar and General Azam all officers are agreed that there was a third meeting on the 5th March in the evening, and that Mr. Chundrigar himself presided over it. We mention General Azam because the brief memorandum recorded by Malik Habibullah, S. P. (C. I. D.) mentions his presence also. General Azam says he did not take part in this meeting. It may be that as he was generally present at these conferences, the memorandum inadvertently mentions him. Such error could not, however, be committed in respect of the person who presided over the meeting.

Mr. Daultana's version

But as regards the "let-up" decision, they are not all agreed. Mr. Daultana says no such decision was taken. All that happened was that His Excellency the Governor gave some instances of his own experience in other places and suggested that technical breaches of the curfew order should be ignored. This was after *maghrib* prayer.

Mr. Chundrigar.

Mr. Chundrigar said it was possible that the Punjab Cabinet in his absence met in some part of the Government House and took that decision. So far as he himself went, he had, in the morning, contributed to the opinion that technical breaches of the curfew should be ignored. For instances if an individual was found passing on the road during curfew hours, the practice in such cases was, not to shoot him, but to arrest him. He added that no case of relaxation of firing came to his notice.

General Azam

General Azam did not hear anybody mention any such decision, but Mr. Anwar Ali, he said, had visited him at 5 p.m. at his Gymkhana headquarters and told him that a meeting of the gentry was being held at the Government House. "He seemed cut up and said that the firing in the town that had taken place during the day, had created defiance among the public. My impression was that he thought that it was a mistake to resort to heavy firing. He said that whenever there is firing by the police, there is invariably an inquiry following it."

Mr. Anwar Ali.

Mr. Anwar Ali's statement on the point may be thus summarised : "At a meeting on the 5th evening, at the Government House, the Governor asked me about the situation. Mr. Alam (D. I. G.) reported that the last incident of lawless-ness—setting fire to a police vehicle—had taken place at about 2-30 p.m. Until then the orders were that we were to disperse unlawful assemblies and use the maximum force. Then it was decided that for technical offences firing should not be resorted to. Probably the Governor himself used the word 'let-up'. I am positive that he was present, and that it was he who suggested relaxation in firing. Possibly he had in mind the complaint of the leaders that there had been too much firing." As to the effect it had on the police, he said : "It is not correct that the police were demoralised by these decisions, but they were beginning to show signs of strain and fatigue because they had been on duty without relief for long, and also because the agitation was not showing any signs of abatement. It is not correct that the police did not act by reason of these decisions."

But he did receive information that some junior police officers thought firing was unnecessary, as the demands should have been accepted.

Malik Habibullah.

Malik Habibullah, who recorded the memorandum, cannot say what the exact decision was. (The memorandum merely say that technical breaches of the curfew order should be ignored.) The purport of the decision, according to him, was that the police should open fire only when they were attacked and that technical breaches of the curfew or other orders under section 144 might be ignored. "This decision was taken at the suggestion of the Governor, but I am not suggesting that it was the decision of the Governor alone, * * * * * I have a faint recollection that the Chief Minister, Malik Muhammad Khan Leghari and some other Minister said that they had received a disquieting report about the firing at Chowk Dalgaran. They seemed to have an impression that this had resulted from a technical breach of the curfew order on the part of railway labourers. Mr. Alam explained the position which seemed to have satisfied the Government, but I think pressure was brought to bear on the Government by prominent citizens. The officers did not seem in favour of the decision. The Governor cited the Sholapur riots of 1931 as a precedent. The background of the decision is this. After the murder of the D. S. P. on the 4th March, quite a number of incidents relating to arson and personal violence had been, committed both during the night following and on the 5th March, The police had to open fire on several occasions to disperse mobs. At the Government House meeting it appeared that the Government felt perturbed and thought that firing would further infuriate the masses. After the let-up decision, the situation became definitely worse. The police was demoralised and the hooligans became more offensive."

Hafiz Abdul Majid.

Hafiz Abdul Majid stated on the first day of his evidence that the word “let-up” was used by the Inspector-General and the suggestion also made by him. He was not sure of the Governor’s or General Azam’s presence. “The idea was that since the following day was a Friday and there had been no incident in the afternoon, we should not provoke the masses, but there was no indication that firm action was not to be taken when necessary”. On the second day, however, he explained that he could not say for certain that the original proposal came from Mr. Anwar Ali, that it was not correct that the officers were opposed to the decision, and that, with reference to another incident, he now remembered by inference that the Governor must have been present at the meeting.

Mr. Ghiasud Din Ahmad.

Mr. Ghiasud Din Ahmad said both the Governor and the G. O. C. were present at the meeting and that the former suggested that there should be no firing for mere technical breach of the curfew order. It was the Governor, he thinks, who used the word “let-up”. This was because it was reported that no incident had taken place since early afternoon and also because the analysis of the morning situation by the Inspector-General at the meeting of the citizens had evoked a storm of protest: both the Governor and the Cabinet felt that there should be an abatement in firing.

Mirza Naeemud Din.

Offer of resignation.

Varying versions.

Mirza Naeemud Din, Senior Superintendent of Police, was not present at the meeting, but on the morning of the 6th March, when he went to Kotwali, he learnt that orders had been conveyed to the Kotwali control from the Government House that firing should be restricted and technical breaches of the curfew order ignored. The police officers, with whom he discussed the matter, were of the opinion that after this order, if they resorted to firing, there might be inquiries against them. .Another order, that the police should fire only in self-defence was also received at the Kotwali, by Mirza Abbas, D. S. P., from the same source, and a Sub-Inspector in the Civil Lines communicated it to Mirza Naeemud Din as the latest order. The instructions were thus confusing and contradictory, says Mirza Naeemud Din. They were not even clear to him, far less to his subordinates. He had expressed his disgust to the Inspector-General on the morning of 6th March. He told the Inspector-General that the week-kneed policy of Government was demoralising the force, and that if Government did not revise this policy he would resign. On this last point, Mr. Anwar Ali pointedly disagrees with him. According to Mr. Anwar Ali, the reason why Mirza Naeemud Din offered to resign was that the public expected some sort of appeasement and were sour about the demands having received no attention from the Government. Mr. Anwar Ali agreed with him and they both went to the Chief Minister and told him so. The Chief Minister also says that Mirza Naeemud-Din came together with the Inspector-General and advised that the only way to handle the situation would be to make some sort of a political approach. The matter appears to have come to the notice of the Governor also, through some army officers. He was told that the Inspector-General and the Senior

Superintendent of Police had advised the Chief Minister that no amount of firing would be useful and that the public should be appeased. Mr. Chundrigar then asked the Chief Minister, then the two officers concerned, "who originally admitted having given this advice but who, when I took them to task, said that was not their advice, but the point of view of some people which they had communicated to the Chief Minister."

The two officers stoutly denied that they had been taken to task.

Mirza Naeemud Din is not supported on resignation issue.

But some order in respect of firing did issue.

And it was understood as a relaxation order.

District Magistrate also heard about it.

This is not altogether an impossible mess. This at least is clear, that Mirza Naeemud Din is contradicted heavily on the resignation issue, and since that is not a real issue to us, we should merely say his version of it is not proved. But if it is true that an impression did get abroad that firing was to be slackened, Mirza Naeemud Din would naturally complain to the Inspector-General from the police point of view. It may be that Mr. Anwar Ali is unwilling to admit the complaint because he himself also contributed to the decision. The statement of Malik Habibulah, which explains the background of the decision, enables us to steer clear through this vast labyrinth of evidence. There was undoubtedly a meeting in the afternoon at which the leading citizens protested against the heavy firing consequential upon the lawlessness which followed the murder of Sayyed Firdaus Shah. Some of the Ministers also were impressed. After all, the next election is more important than a temporary frenzy. There was firing at Chowk Dalgran, and whenever there is any firing, the police is to blame, just as whenever there is a motor accident, it is the driver's fault. It is true that Mr. Alam explained the incident, but, after all, he is a police officer, and is it not for the police to explain away things? Consequently, *that* firing must have resulted from a mere technical breach of the curfew order, and this should not happen again. We can quite easily work ourselves into that decision. But when the subject under discussion is "heavy firing", any decision modifying it would naturally be regarded as a decision to relax, and that is how many of the officers understood it in that sense. We shall assume that they all agreed. If there were any doubts in their minds, they did not express them. Malik Habibullah's statement that the officers did not seem to agree is a matter of impression only. Who conveyed the decision to the Kotwali is not in evidence, but whatever the expressions used in the conveyance, it was understood to mean relaxation. Even Mr. Ejaz Hussain Shah says the Senior Superintendent of Police was grumbling on the morning of 6th March that there had been an order to restrict firing. Next, an Inspector at the Kotwali also asked him if this was correct. He told the Inspector he had no such information and that duties should be performed in the normal way.

It had a demoralising effect.

Therefore, it would be proper to hold that firing was relaxed by reason of a not-very-clear decision at the Government House. Whether or not we are told that such a decision has a demoralising effect, we have no doubt that it will have that effect. After all, they were not firing because ammunition had not been tested for a long time. They were firing because "there had been quite a number of incidents relating to arson and personal violence". Our list shows that on the 5th March there were reported altogether 74 incidents of lawlessness, comprising eight arson cases, one murder, two cases of looting, apart from the blackening of faces of tonga drivers or shopkeepers, attacks on the police with brickbats and at least one attack on a railway train, as against nine cases of firing by the police. When, therefore, an order of this character is issued, it makes the police force apprehensive. It is for this reason that a military force is more effective. It has not to decide whether it is acting in self-defence or whether it is using more force than is absolutely necessary. It is for this reason that Mr. Anwar Ali, according to General Azam, was grumbling that whenever there is firing by the police, there is an enquiry following it.

V. *Liaison with the Troops*

Impressions based on hearsay.

When we read the written statements of the civil officers, we formed a strong impression that these unfortunate incidents could have been avoided if the army had been anxious to help, and that the reason why it was not anxious was that the military officers wanted complete control. It naturally struck us as a very unhappy position that there should be any such formality between two forces pursuing the same end. But we were agreeably surprised to find from the evidence led before us that although every witness felt that the troops had not given of their best, they based their feeling on what they had heard from some other person. Ultimately, some of them referred us to the District Magistrate, and the District Magistrate told us he was perfectly satisfied with the part played by the troops.

Mr. Chundrigar's view.

We start with Mr. Chundrigar, because if the officers did not get on well with each other, there should have been a complaint to the Governor. He said that on the 6th of March, General Azam thought that the situation should be handed over to the military, and that there was an implied complaint that the police were not dealing firmly with the situation. There was also a complaint by the police that troops were not placed at their disposal in the numbers they wanted. To that, General Azam replied that whenever any request was sent by them, he had placed all the force at his command at the disposal of the police. This part of the complaint, it should be clear, has no reference to the quality of the aid given. Mr. Chundrigar further said that the Inspector-General had mentioned to him how some army officers had been garlanded with flowers by members of the public, and the General Azam had admitted that here had been at least one such incident; wherefore he had warned his officers not to accept garlands. General Azam through (says Mr. Chundrigar)

The garlanding incident.

Intended to create rift

that some leaders of the movement were intentionally trying to create a rift between the two forces. The Inspector-General had told Mr. Chundrigar that he had received the fullest help from General Azam whenever he had asked for it, but that some of the military officers did not fire at the mobs when, in the judgment of the Inspector-General they should have fired. General Azam inquired into the matter and Mr. Chundrigar was satisfied from his explanation that on the occasions when this omission is alleged to have taken place, there was no need to fire.

Mr. Chundrigar, therefore, had no cause to be apprehensive. There was but one incident of garlanding and General Azam had administered the necessary warning.

Mr. Daultana's view.

Mr. Daultana said, with reference to the situation of the 6th March, that the only way to control it was to hand it over to the military, for notwithstanding the "full assistance" that the civil authorities had from the military until then, they had not been able to control it. No specific complaint had been made to him, "though I had a feeling in my mind on the 5th morning that complete liaison was lacking. For instance, on the 3rd or 4th it came to my notice that the military had withdrawn their patrols from the city. It was also said that while slogans were raised against the police, they were raised in favour of the military." That, as Mr. Chundrigar said, might have been to create a rift. But so far as the withdrawal of troops is concerned, the facts are that only a part of them were withdrawn on the day when the civil officers thought "half the battle had been won", but there was no question of any withdrawal from the city, because they were stationed in Bagh-i-Jinnah and to the city they only went out patrolling. Consequently, this feeling of Mr. Daultana does not detract from the "full assistance" which, in his opinion, the military had given to the civil authority.

Decision No. 2 of 5th March.

At this stage it is pertinent to refer to what has come to be known as decision No. 2 of 5th March. This is one of the ten decisions taken in the forenoon meeting at the Government House, and, together with the third and fourth decisions, constitutes a piece of work which has evoked some deep thought.

Decision No. 2—In view of the deterioration of the situation in Lahore and a general flare-up in the city, in the first instance, the police should take very strong action, using any amount of force that may be necessary to quell disturbances. Police Patrols will be supported by military contingents under their own commanders.

Action I. G. P./G. O. C.

Decision No. 3— If the police cannot cope with any particular sector, the senior police officer present should hand over charge of the situation in that sector to the Army Commander accompanying him.

Action I. G. P./G. O. C.

Decision No. 4—If the above measures fail to restore law and order and the police cannot keep the general situation under control with the partial aid by the military, the military will be asked to take charge of the city.

Action I. G. P./G. O C.

We shall first try to interpret the decisions as though they were a part of the Code of Criminal Procedure. In Decision No. 2 there is emphasis on "Very strong action" but, "in the first instance", by the police. The Army Commander, with his own contingent, will be accompanying the police, because Decision No. 2 says that in the event of failure, the police officer will hand over charge to the Army Commander "accompanying him". The main question. is, how will this accompanying contingent "support" the police patrol. You cannot support a person without co-ordinating your work with him. Consequently, you will not act independently, but act in furtherance of his suggestions. If he tells you to do one thing and you do another, you are not supporting him. Therefore, you must subordinate your actions to his. You are, in fact, not to act until asked to do so. You may not at all be called upon to act.

Whether the fact that military contingents were to be "under their own commanders" carries any particular meaning is open to question. They are always under their own commanders. It cannot mean that for this reason they were to act independently. This meaning will make the word "support" meaningless. It will make the opening words of Decision No. 3 meaningless. The clause "if the police cannot cope with any particular sector" assumes that it is the police which is dealing with the situation, but if the two contingents were acting independently, then both would be dealing with the situation.

Mr. Chundrigar—Mr. Chundrigar's evidence on this point is to the effect that military contingents were also to use force, "if necessary", but they were to act under the orders of their commanders. The commanders themselves were to use their own discretion "under the general directions given by the G. O. C." The words within commas creates a difficult position. Who was to decide whether force was "necessary" If the commanders were to use their discretion, then they themselves would decide. But suppose the police officer started using force and the commander thought it was unnecessary. Or, he thought force should be used and the police officer did not use it. How would the commander be "supporting" the police contingent in that event. Next, there would be some "general directions given by the G. O. C." which do not seem implied in the decision. If the G. O. C. has given a general direction that force should be used only when the police is using it, the discretion to use it disappears. If the direction is that discretion should be exercised, then since it was a part of the decision itself that discretion should be used, the direction becomes superfluous.

But assuming that decision No. 2 was to be thus interpreted, the following question and answer would show that, far from there being a complaint against the troops, it was the police that was being complained against for inactivity :

Question by Mr. Mazhar Ali Azhar (for the Ahrar)—"Did either of the two officers, the Inspector-General or the G. O. C., complain to you that the other of them was not enforcing decision No. 2"?

Answer—"The G. O. C's complaint against the I. G. Police was that the police had become demoralised, that their officers were afraid of reprisals against those members of the police force who lived in the city and that the I. G. Police was not quite sure whether he could fully rely on the loyalty of his men. When I put this to I. G. police, he admitted that he could not fully rely on the loyalty of his force on this issue, and he was of the opinion that sooner or later the control of the situation would have to be given over to the army". Mr. Anwar Ali has admitted that junior police officers thought that the demands should be conceded. If it is true that the G. O. C. charged the police force with becoming demoralised, then if it is also true that the troops were not co-operating, the Inspector-General would have made a grievance of it in his own turn, rather than accept a serious accusation.

If the military commander were to act as he pleased, how does any question of handing over under decision No. 3 arise ? He is as much in charge of the situation as the police officer is, and you cannot hand over a thing to a person who is already handling it.

Hafiz Abdul Majid : the draftsman.

Hafiz Abdul Majid, to begin with, appeared clear about the meaning, but nevertheless blamed the army for inaction. Being himself the author of the draft, he should have an advantage over others.

No clear scheme of co-operation.

But the troops had a duty under the law.

'Despite these decisions'.

He said that no clear scheme of co-operation between the Army and the civil power was "ever" discussed and decided upon in his presence. This should mean that even on the present occasion nothing, was clearly discussed and decided upon. What we believe did happen was that emphasis was laid on the use of force, and it was broadly put that of course the military would be there to support the police. For that reason, when the Chief Secretary was asked whether they were expected to act independently, he answered that : "they had responsibilities and duties under the law, and there was nothing to stop them from acting according to law." Then he was referred to the decisions and asked "whether they left any discretion to the military to act independently." He replied : "*Despite these decisions*", I am of the view that these did not exclude the responsibility of the military to act in a situation which made action by the military necessary, especially if the police were not there." Which means that at least the decisions, so far as the draftsman's knowledge goes, did not contemplate independent action until it was time for decision No. 3 to become operative. He did not, however, accept the position taken up by the military that according to these decisions the military were to act only if required by the civil power to act. He reminded us that what was happening before the 5th of March had also to be looked into and explained that these decisions were an effort "to bring about some working arrangements" between the two forces. We agree that if the arrangement until that date was not satisfactory, an effort might be made to effect a division of labour between them, and military commanders might be asked to act independently, in which case they would be accompanied neither by the police nor by a magistrate. For if they were accompanied by a magistrate, they would be under his direction according to law, until the magistrate told them to take the situation in hand. Hafiz Abdul Majid also accepts that interpretation, adding, however, that the decisions left it open to them to go out alone or accompanied by the Magistrate or the police.

If that were understood by the military also to be the correct interpretation of the decisions, they would have no grievance left and would thereafter act with full effect. For according to the Chief Secretary, "they wanted power of control without any possibility of interference from civil authorities. In fact, the whole meeting and the trend of the decisions was based on this impression in the minds of the civil authorities. * * * * * This was the impression gained by people like the Governor, the Chief Minister, the Home Secretary, the I. G. Police and myself on account of what we had seen on the 1st, 2nd, 3rd and 4th of March, and also on account of what we had beard during our discussions with the army officers. One noticed that they were reluctant to accept the position that what they called an Assistant Sub-Inspector of Police could be a Commander of their men." We should say that the statement relating to the 1st and 2nd of March is merely an instance of rhetoric, because troops were not requisitioned until the evening of the 2nd March, when Maulana Akhtar Ali Khan made his forced appearance, and they did not start patrolling until the following morning. That apart, as we said earlier, the military thereafter, acting independently, would have no grievance about any outside control and act as they acted during the Martial Law. But even then they did not act. He was asked if any instances of "lack of support" came to his notice. His reply was : "I have merely said that the military authorities did not take any action beyond patrolling here and there. If the situation needed a particular kind of action and any military officer thought that the civil authorities were not dealing with the situation effectively, it was open to those officers to make the suggestions to us. They did not seem interested in what was to be done." This introduces us to a new aspect of the matter. The military were not merely to act free of civil control; they were also to advise the civil authority where the situation was not being dealt with firmly. But we think we have heard from Mr. Chundrigar that General Azam did complain to him that the police had become demoralised, which should have made it clear to the civil authority that no situation was being dealt with firmly by the police.

All this time we have been running away from the decisions, which, by their language, do not convey any thought of independent action. The Chief Secretary's reasoning is based on the existence of ordinary law, "notwithstanding these decision". We shall assume that everybody at the meeting knew that under the ordinary law if a military commander, going by himself and his own force, came across an unlawful assembly, he could use his discretion and disperse it. But if with that knowledge in mind, the heads of the two forces agree at a meeting that the military contingent will be used in a particular manner, namely in "support" of the police, will not the military, by acting independently, expose themselves to the accusation that they had violated the agreement?

Again, assuming that the ordinary law remedy is also contemplated, then the military claim that whenever they came across an assembly, they dispersed it, and there is no instance to the contrary. Even the Chief Secretary had no instance in his mind: What he complained about finally was an instance of failure in an advisory capacity.

Mr. Anwar Ali's interpretation contradicts Hafiz Abdul Majid.

The statement of the Inspector-General, who ought to have known how the liaison was to be worked in detail, is a complete contradiction of the Chief Secretary's interpretation of the decisions. According to him, the Government were anxious to avoid requisitioning the army for fear of blood-shed. With that anxiety, no one could dream of allowing them to act independently. In his written statement he said that although he himself felt that the army might be used for dispersing crowds, the Cabinet thought it should be used only for particular situations. In another place, in his evidence, he said : "My plan was that the troops should be stationed in four places, namely, Jinnah Garden, Kotwali, Gol Bagh and Minto Park, and patrol the city in armoured vehicles, bren carriers and tanks on the main thoroughfares. If it became necessary to use them, a magistrate would ask them to deal with a particular situation without handing over." In yet another place he said that decision No. 2 meant that if in any particular situation the police failed, they would call in the army and ask them to deal with it. "The military would be right in saying that they were not asked, to take charge of any particular situation and that, consequently, they did nothing. * * * * * The District Magistrate told me that the army had not carried out specified orders given to them by the magistrates. I asked him to make a report in writing, but he did not make any report. Nor did he give me any instance. *It was not my impression that decision No. 2 meant that the military had to act on their own initiative under its own commanders whenever they felt that the situation demanded interference. It was not intended that troops would act independently without being accompanied, by a magistrate or the police.* Before the decisions of the 5th March, military patrols went about without being accompanied by police". This naturally led to the following question by Mr. Yaqub Ali Khan:

District Magistrate told him.

Decision No. 2 did not mean independent action by military.

Q.—"Then where is your grievance against the military which you have emphasised in your written statement?" .

A.—"They created an impression that they would not do any shooting, because their officers permitted themselves to be garlanded on some occasions when the police was being abused and insulted by the display of private parts."

This garlanding has already been discussed . That was rather early during the operations and the G. O. C. administered a warning. Needless to say, it was unbecoming, and although an "abusive" situation is not necessarily a critical situation, such an impression should not have been created. This single instance of want of decorum does not, however, carry us any further with the District Magistrate's complaint to the Inspector-General that the army had not carried out specific orders given by the magistrates. It was perhaps on the basis of what the Inspector-General had learnt from the District Magistrate that he complained to the Governor that there were occasions when the troops should have acted but when they did not. "Particulars of these cases", said Mr. Anwar Ali finally, "could be given by the District Magistrate and by the S. S. P".

Home Secretary's interpretation.

We, therefore, turn to those two officers. For the Home Secretary has not much to tell us. "The G, O. C. always assured the civil authorities", he says, "of full co-operation and it would not be correct to say that the civil authorities declined the offer. I cannot say what the real state of affairs was, but complaints were made that the army were not playing an effective role. I think the I. G. complained to me and narrated an incident that some officers had been garlanded. It is a fact that until the Martial Law the army had not made its presence felt effectively. They could have curbed and stifled the agitation." General Azam also says he could, if given the opportunity. But as regards decision No. 2, it is the Home Secretary's impression also that troops were to remain with the police.

The evidence of the Senior Superintendent of Police may be thus collected: "On the 3rd morning I told an army officer the routes on which I required patrolling. I had directed my officers to provide assistance to the army whenever they asked for it and in some cases there were police officers moving with the army. In the first instance the troops were to patrol merely for the purpose of show. The I. G. had been pressing the G. O. C. and other military officers that the troops should take some severe action. If the patrol was accompanied by a magistrate, it could not use force without the Magistrate's order. It was the District Magistrate who directed that army patrols were to be accompanied by magistrates.

S. S. P.'s impression.

"The impression created at the time was that the military were not taking any independent action, but I cannot give any concrete instance. I got this impression from some police officers who said the military did not open fire or disperse crowds. They gave no concrete instance. It is possible, if General Azam says so, that whenever the military patrols came across rioters, the rioters dispersed. My impression is that we did not receive from the military the kind of co-operation that they extended in the riots of 1947. when they effected arrests also without reference to anybody".

But then, on the other hand, "the Government" were apprehensive of giving too much to the military, lest they should cause bloodshed. What the S. S. P. would have wanted them to do would be in excess of the role which the Inspector-General assigned to them. For ourselves we would have preferred them to act in the way the Chief Secretary suggested, but that would have caused anxious moments to "the Government". One cannot please everybody.

Again, Mirza Naeem-ud-Din says: "I have some idea that some of the magistrates grumbled about the attitude of the military. In a conference held during Martial Law days the District Magistrate stated that he had received these complaints from some of the magistrates."

District Magistrate's version.

The District Magistrate denies it. He says he was completely satisfied with the liaison. The following extracts, collected from various parts of his statement, will further clear the position and reproduce his views:—

> "On the 3rd morning, we met the senior army officers in the Civil Lines Police Station and indicated to them the important localities in which patrolling was to be done. The patrols were to be accompanied by the police and magistrates invariably. The magistrate at the spot had to take the decision if he came across an unlawful assembly. I did not expect the troops to open fire without orders from the magistrate. I cannot give any instance where the military went alone and came across a mob and did not act as it should have. I know of two occasions when it became necessary to hand over. One was outside Lohari Gate on 5th March when the police station was threatened with an attack and brickbats were thrown into it. The other on 6th March at Tollinton Market. The military opened fire and dealt with the situation properly. It is not correct that I told the S. S. P. that magistrates had complained to me of lack of co-operation. I was completely satisfied that the military had placed themselves entirely at disposal of the civil authorities. * * * * * Decision No. 2 meant that the police and the military were to go out together".

Malik Habibullah

Malik Habibullah says: "I had no cause for complaint of lack of cooperation by the military. On the contrary, the only occasion when Mr. Alam, in my presence, requisitioned a military patrol, it was made immediately available. On another occasion, however, shortly after this requisition, * * * * * we found the military patrol which had gone to the Lohari Gate Police Station, in position for an offensive, but the public were throwing flowers and garlands at them and their vehicles, * * * * * The military had gone to the police station at a time when the crowd was actually throwing brickbats at the station and I found the entire road and the entire Anarkali Chowk strewn with brickbats. The patrol, however, did not open fire."

This complicates the narrative a little, because the District Magistrate has already told us the military did fire and fire effectively. But if those were the only flowers with which our narrative has been so repeatedly perfumed, we confess that it was no fault of the military that they should want to fire and that people should want to throw flowers at them. One couldn't shoot a man who ran to him with flowers.

General Azam's version.

Lastly, we come to General Azam's evidence, and although the evidence already examined discloses no case against the army, it is worthwhile recording his version of the situation. He did not understand decision No. 2 to mean that the police were to be accompanied by the troops, "nor did the police ask us to accompany them". But the military were at no great distance. The words "under their own commanders" did not mean that they were to act independently of the police: they had been under their own commanders even earlier. "Mr. Chundrigar's estimate of the decision that military contingents were to use force, but that they were to act under their own commanders who were to use their discretion under the general directions given by the G. O. C. is correct in this sense that if the police asked for our assistance, it would be available immediately. * * * * * His statement that I admitted that there was at least one incident of garlanding is true to this extent that an effort was made only once and that effort consisted of a display of flowers from a distance. This was perhaps intended to create a rift between the police and the troops. Mr. Chundrigar's statement that I enquired into the matter and that he was satisfied that the occasions to which the complaint referred did not require resort to firing is correct to this extent that I enquired from the Brigade Commander who was present at the spot".

No case against Army.

It thus appears that a single incident of garlanding has created a prejudice against the Army. It travelled from man to man, from circle to circle, and was cited as an instance of the attitude that the troops had adopted towards the situation. But no instance was cited, no instance is even vaguely known, where the troops did not perform the task assigned to them or performed it in a manner open to two opinions. The best that has been said on the subject is that they could have done more. They certainly could do it, if only they had been utilised without reserve. The reserve consisted in the fear that they would cause bloodshed. There is no case against the Army: it is only a plea of subterfuge.

VI. WHETHER MARTIAL LAW COULD BE AVOIDED.

General Azam thought even the troops were unnecessary, if timely action had been taken. "Half-hearted measures and poor leadership resulted in chaos. The police force were first class, and if they had followed a firm policy at a certain stage, they could have dealt with the situation without the help of the Army. What was needed were guts and a fixed aim, coupled with a realization that this was a question of law and order and had to be faced at any cost."

If there had been no reluctance to employ troops.

It may not be correct that the Army could be dispensed with altogether, but it is true that considerations extraneous to those of pure law and order have influenced the action of the civil authority. The Government were reluctant to employ the troops unreservedly, for fear of bloodshed, as Mr. Anwar Ali says, and the Ministers were upset with the protests of leading citizens that the police were firing even on violent crowds—even on violent crowds, we repeat—which did no more than attack a police station with bricks, or burn a stray omnibus here and there, or put to fire a sinning post office, or stone a railway train full of passengers because it tried to move out of the station, or blackened the faces of tonga-drivers and shop-keepers who plied their trade. These were small incidents compared to the stuffed gunny-bag made into the semblance of Khwaja Nazim-ud-Din or the Donkey of Qasur on whom rode a man labelled Zafrullah Khan. The result was that some order was issued which was understood to be an order of relaxation, and which naturally had an adverse effect on the police force.

If Wazir Khan Mosque had been isolated.

But we go back to the 4th of March, when Sayyed Firdaus Shah was murdered. Even before that, they all knew that Wazir Khan mosque is the seat of trouble, that Maulana Abdus Sattar Niazi has enthroned himself there and is scintillating hatred of Government from a firm seat, that even a warrant of arrest cannot be executed against him. If the situation can be controlled by the police, why is the mosque left to itself ? If it cannot be controlled, why is it not handed over to the military ? We are firmly of the belief that the handing over of this one situation would have made all the difference to the course of riots.

If preventive action had been taken earlier.

And we go still further back. Unless the Punjab Government had an understanding with the Majlis-i-Amal that the centre of agitation would be Karachi, an order under section 144, Cr. P. C. was a measure of prudence on the 28th February. It is for that reason called a “preventive” remedy. Such an order was passed on the 26th or 27th of July 1952 when there was a very localised threat of violence in front of the League Office, and the order was passed by the District Magistrate without reference to anybody. A sense of proportion would certainly be lacking if that occasion were regarded as possessing more dangerous potentialities than the 28th of February, when the Direct Action challenge was due for execution and the Central Government had accepted the challenge by ordering arrests of prominent leaders—“non-entities” according to the District Magistrate.

If there had not been too many “cooks”.

We have felt again and again that the case of Lahore is one of “too many cooks.” In other districts the District Magistrate and the Superintendent of Police discuss the situation and evolve a plan of action which they can execute without interruption. In Lahore there are a number of high officers who ought to be consulted, and, notwithstanding what Mr. Daultana and his officers have said as to the duties of a District Magistrate, if they had a stout person who could have imposed a prohibitory order in time, ordered Wazir Khan mosque to be immediately isolated, or turned the blind eye of Nelson on the let-up decision, we are not quite certain that his next post would not have been that of the Controller of Foodstuffs and Fountain Pens in Karachi. But you need officers who could ride alone to Wazir Khan mosque on the evening of the 4th of March with only a pistol in their pocket. You should encourage this breed. You should foster independence in them.

An example at Lyallpur.

To pursue the subject of “too many cooks”, we shall tell you what the District Magistrate of Lyallpur, Mr. Ibn-i-Hasan, did single-handed, unaided by the Inspector-General, the Home Secretary, the Chief Secretary, the Chief Minister, the Governor. It is a small place compared to Lahore, but has a somewhat larger area than Wazir Khan. mosque. On the 2nd of March, provocative speeches were made in Jamia Masjid in honour of the volunteers proceeding to Lahore or Karachi, but we heard nothing more of those volunteers: they were spirited away by the police at Salarwala. On the 3rd of March news of firing at Sialkot caused a flutter, and forthwith section 144 was applied. A procession of four or five thousand marched to the Deputy Commissioner's house and a number of arrests were made before they reached destination. On the 4th March there was complete *hartal* and a procession made again for the Deputy Commissioner's house, but that officer tactfully diverted it to jail. The procession was aggressive and provoking, but feeling that the police force was inadequate, he did not disperse it. Nevertheless he arrested 125 persons. He telephoned to the Home Secretary for military aid and an aircraft to create respect for law and order, and both came without delay. On the 5th March a procession was taken out in defiance of section 144, Criminal Procedure Code, and 55 persons were arrested. There were processions on the 6th and 7th also, attended by arrests. But on the 7th, the atmosphere became tense and rowdyism appeared. The District Magistrate received news that three trains had been held up, that the women passengers had been molested and robbed. He did not send a magistrate to take "firm" action. He himself went and ordered the crowd to disperse. When they did not disperse, he did not take the risk of a *lathi*-charge— which, as often as not, results in the police being worsted. He ordered firing which resulted in killing four and wounding five. He provided army guards for trains, so that the flow of traffic should not be suspended.

On 8th March, he heard that bricks had been collected in housetops in Chiniot bazar, with a view to throwing them at the police if they should disturb processions. At 7-30 p. m. he visited Chiniot bazar accompanied by the D. I. G. and met an aggressive mob. They both returned and brought a military patrol and ordered the crowd to disperse. When it did not, he ordered firing. Three persons were killed and one wounded.

Thereafter nothing happened—except that one evening the Chief Minister congratulated him on the telephone for firm action.

An example at Sialkot.

In Sialkot, at least two situations were handed over to the military, and there was no fear that the army might take such complete control of it as to oust civil authority. Nor was there any apprehension that there might be bloodshed. We mean, there was no nervousness about it, for bloodshed there must be with firing. "And things like that you know must be in every famous victory." We have observed in a different place that the District Magistrate acted wisely in handing over to the Army when the situation so demanded.

After Martial Law, General Azam employed only one battalion, consisting of between four and six hundred men, in the walled city which had defied control since 1932. He complained that before the declaration of Martial Law the army was used merely for a "demonstrative role", namely, patrolling, and not for a "suppressive role". "For instances if I had been asked to enforce the curfew order by firing or arresting, it would have been a suppressive role. Then again, the storm centre, which was the Wazir-Khan-mosque area, and in fact the entire walled-city area, was ignored. In a suppressive role, we would have established posts all over the city and prevented people from coming in and going out of their dens. As it was, whenever the military patrols appeared, people disappeared."

The District Magistrate has told us that by the evening of 5th March, the police, which had been struggling to deal with the situation, began to fail, and that "it was for the police then to avail of the services of the military". Asked why he did not make this possible, he said helpfully: "The military were there and the police were there". His duty was to call in the military and they were already in the down. "It was for the head of the police to tell them how they should act. Even when a magistrate is present it is for the police to require the military to act". He said that was the meaning of section 129 of the Code of Criminal Procedure.

This is what we mean by saying that if there had been but one stout man who could ignore all considerations extraneous to law and order and vitalise the excellent material lying at his feet, there would have been a different story to tell. And thus do we end this chapter: We long for the Lion of God and the Rustom of encident lore.

شیر خدا و رستم دستانم دستانم است

CONCLUSIONS ON THIS PART

It is fitting to review the whole situation.

Everybody was agreed that the Ahrar were a subversive force. They were opposed to the creation of Pakistan and even Sardar Abdur Rab Nishtar thinks that they were anxious to "rehabilitate" themselves. In 1950 and again in 1952, Mr. Anwar Ali, then D. I.-G, (C. I. D.) strongly recommended that they should be declared an unlawful body. Mr. Qurban Ali Khan wrote very strong and prophitic notes on the possible consequences of neglect. One lawlessness breeds another. One damn thing leads to another. But whenever there was a conference, either they were persuaded to change their strong views, or official decorum restrained them from protesting. Mr. Daultana, therefore, says that everybody agreed with whatever decision we find on the files, and the officers concerned have not contradicted him. We ought to hold, therefore, that the responsibility was joint, though we feel differently. Further, we feel that the Ahrar were treated as members of the family and the Ahmadis as strangers. The Ahrar behaved like the child whom his father threatens with punishment for beating a stranger, but, who, knowing that he will not be punished, beats the stranger again. Then, out of sheer embarrassment, since other people are watching, his father does strike him—but gently.

And so, as the Central Government was constantly inquiring, and C. I. D. notes were mounting pile upon pile, a conference was held on the 25th of May 1952, and it was decided to ban all Ahrar and Ahmadi meetings. This was good enough, but by the 5th of July it was whittled down to a mere nothing. Let processions be taken out, let meetings be held, in defiance of the ban. Let nobody be arrested—except the Ahrar, Let no Ahrar be arrested—except the prominent Ahrar. Let no prominent Ahrar be arrested, if he addresses a meeting not organised by his own party, without reference to Government.

And the district authorities naturally added to it a fourth injunction. Let there be no reference to Government. For if there is a reference, it will take time. After all, the Government has to look after sixteen police stations, and refugees and receptions make two additional police stations. The case will have to be referred to a meeting after seven or eight other files of the same kind become available. Then, after three months, you hear that Abdullah and Narain are only petty people and their prosecution will serve no useful purpose. But even if a prosecution were sanctioned, what deterrent value has it after three months?

Although the decisions of the 5th July were taken when Mr. Daultana was at Nathiagali, there are indications that they were discussed with him before he went there. The Home Secretary also maintained telephonic contact with him.

While on the one hand it was impressed upon the officers that these decisions were intended to isolate the Ahrar, on the other the Ahrar were allowed to join hands with the Ulama of all Muslim parties by holding a convention on the 13th July. By this device the Ahrar won the sympathies of a very large section of the public, who respected the Ulama infinitely more than the Ahrar.

When the Ahrar found, that their meetings were banned and some of them were prosecuted, they bought their freedom for a penny. They made a statement that they had never before preached violence, that they did not propose preaching it thereafter. But Government knew that they had preached violence, or at least that was the effect of their speeches, and knowing this, they accepted the statement as though it were an apology. Only a fortnight ago they had refused to apologise, when Mr. Anwar Ali had suggested it to them. Government know how to elicit a proper apology, as they did from Maulana Akhtar Ali Khan on the 28th February; but in the case of the Ahrar, a statement which did not detract from their respectability was accepted as a great achievement, and they were allowed to make speeches, to vilify the Foreign Minister, to calumniate the Prime Minister, to use words which tingle decency. All this time Mr. Daultana was being reminded by his officers that the Ahrar were not abiding by their undertaking, but they themselves suggested little action. Either they were conscious that their notes had little effect, or they fell into the habit of writing notes. When a number of files had accumulated, a policy meeting was suggested, and it was decided on 24th December 1952 that the ordinary law should be respected. It seems to be a joke that until then the Punjab Government in the Ministry of Law and Order, inclusive of its civil and police secretariat, did not know that the ordinary law had to be respected. But by this time the officers had reached a stage of insensitiveness where the violation of ordinary law could also be appropriately punished with a mere warning.

The Central Government issued a policy letter in September 1951 and another in July 1952, making it clear to the Provincial Government that aggressive sectarianism must be suppressed with a heavy hand. The provincial authorities, however, emphasized in their notes that the demands were a matter for the Centre’s decision, and that unless these were decided one way or the other, the law and order situation will not improve. They knew very well that the Centre could under no circumstances accept the demands and that if there was going to be any decision, it would be a decision of rejection. But they insisted that a decision must be taken, and the Centre, represented by Khwaja Nazim-ud-Din, did not wish to say openly that he was rejecting the demands, as, he thought, this would bring him into a head-on clash with the Ulama, and he had a profound leaning towards the Ulama.

But while we think that the demands could have been rejected without any religious scruple, and without any danger to public peace, and without injury to public feelings, we do not think it was necessary to give an answer for the purposes of the law and order situation. That situation had tremendously improved by the imposition of a simple ban, inadequate as it was, but was allowed to deteriorate by an attitude of complete indifference to what the Ahrar or the *Ulama* said or did after July 1952. On the contrary, it was encouraged by the Chief Minister's public utterances supporting the view that the Ahmadis were not Muslims.

The press was definitely encouraged by the Director of Public Relations to fan the agitation, and with Dr. Qureshi we are inclined to think that Mr. Daultana could not have been unaware of what the press was doing. Four vernacular papers had been handsomely paid for thousands of copies which were perhaps never purchased, in pursuance of an old policy that papers which supported the Government should be patronised, and although these very papers were the keenest agitators, their contracts were renewed early in July 1952 with the knowledge of Mr. Daultana. A sum of over two lakhs which the Assembly had voted for the education of illiterate adults was diverted under the orders of Mr. Daultana to the purchase of these four papers and the scheme was to be kept confidential. The Director told us without the least compunction that his scheme was to aid a certain type of papers, not to promote literacy. The "Zamindar", notwithstanding that it continued spreading hatred even after July 1952, when Dr. Qureshi complained to Mr. Daultana, was treated as God's own agent and action delayed against it until it could no longer be delayed. In short, the Centre complained vigorously. The "Azad", the Ahrar's official organ, was repeatedly brought to the notice of the Provincial Government by the Centre and repeatedly treated with mere warnings.

The challenge of the Majlis-i-Amal was not treated seriously by either Government. Khwaja Nazim-ud-Din was hoping to the last moment that something happy will turn up, while the Provincial Government seemed satisfied that the agitation will start in Karachi.

Finally, when the ultimatum was rejected, the whole situation was treated as a peaceful theatrical performance where processions are stage-managed and slogans raised, for the benefit of a contented audience. "Processions in Lahore are taken out almost daily, and nobody takes them seriously". There were many palavers and little action, "The police was there and the army was there." And everybody was devoting deep thought to the situation, as one officer said, and everybody knew what to do. Everybody felt that the army could have accomplished a great deal, but nobody can say why it did not happen.

"Some say, they were three, and the fourth was their dog; others say, they were five, and the sixth was their dog, guessing at random. * * * * say, my Lord knoweth best."

And it is our deep conviction that if the Ahrar had been treated as a pure question of law and order, without any political considerations, one District Magistrate and one Superintendent of Police could have dealt with them. Consequently, we are prompted by something that they call a human conscience to enquire whether, in our present state of political development, the administrative problem of law and order cannot be divorced from a democratic bed fellow called a Ministerial Government, which is so remorselessly haunted by political nightmares. But if democracy means the subordination of law and order to political ends—then Allah knoweth best and we end the report.

M. MUNIR
President.
M. R. KAYANI
Member

268. 362 CS 3.000—2-7-54 SOPP Lahore